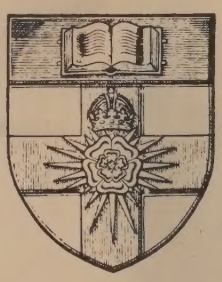
THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

PARL. PAPERS
REFERENCE ONLY.



UNIVERSITY OF LONDON
LIBRARY

609664

REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—*(6.)*—

LOCAL GOVERNMENT (SCOTLAND) BILL;
LOCOMOTIVE THRESHING ENGINES BILL;
LONDON STREETS AND BUILDINGS BILL;
MARKET GARDENERS COMPENSATION BILL;
MARKING OF FOREIGN AND COLONIAL PRODUCE;
NOTICE OF ACCIDENTS BILL;
PAROCHIAL ELECTION (REGISTRATION ACCELERATION) BILL;
PATENT AGENTS BILL;
PARLIAMENTARY PAPERS DISTRIBUTION BILL;
PETROLEUM.

Session
12 *March* 1894——25 *August* 1894.

VOL. XIV.

1894.

BIBL. LONDIN. UNIV.

REPORTS

FROM

COMMITTEES.

VOL. XIV.

REPORTS FROM COMMITTEES:

1894.

SEVEN VOLUMES:—CONTENTS OF THE

SIXTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

LOCAL GOVERNMENT (SCOTLAND) BILL:

243. Report from the Standing Committee (Scotland) on the Local Government (Scotland) Bill; with the Proceedings of the Committee. p. 1

LOCOMOTIVE THRESHING ENGINES BILL:

180. Report from the Select Committee on Locomotive Threshing Engines Bill; with the Proceedings of the Committee. 73

LONDON STREETS AND BUILDINGS BILL:

208. Report from the Select Committee on London Streets and Buildings Bill; with the Proceedings of the Committee. 79

MARKET GARDENERS' COMPENSATION BILL:

197. Report from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures, on the Market Gardeners' Compensation Bill; with the Proceedings of the Committee. 97

MARKING OF FOREIGN AND COLONIAL PRODUCE [H.L.]:

293. Second Report from the Select Committee of the House of Lords on Marking of Foreign and Colonial Produce; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. 109

NOTICE OF ACCIDENTS BILL:

149. Report from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures, on the Notice of Accidents Bill; with the Proceedings of the Committee. 211

PAROCHIAL ELECTORS (REGISTRATION ACCELERATION) BILL:

163. Report from the Select Committee on Parochial Electors (Registration Acceleration) Bill; with the Proceedings of the Committee, and Minutes of Evidence. 219

PATENT AGENTS BILL:

235. Special Report from the Select Committee on the Patent Agents Bill; with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index. p. 247

PARLIAMENTARY PAPERS DISTRIBUTION:

181. First Report from the Select Committee on Parliamentary Papers Distribution. 497

PETROLEUM:

244. Report from the Select Committee on Petroleum; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix. 503

REPORT

FROM THE

STANDING COMMITTEE (SCOTLAND)

ON THE

LOCAL GOVERNMENT (SCOTLAND) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

243.

LOCAL GOVERNMENT (SCOTLAND) BILL.

Ordered,—[*Friday, 27th April* 1894]:—THAT, in addition to the two Standing Committees appointed under Standing Order No. 47, a Standing Committee shall be appointed for the consideration of all Bills introduced by a Minister of the Crown relating exclusively to Scotland which may, by Order of the House, be committed to them, and that the provisions of Standing Order No. 47 shall apply to the said Standing Committee.

THAT the said Standing Committee do consist of all the Members representing Scottish constituencies, together with Fifteen other Members to be nominated by the Committee of Selection, who shall have regard in such appointment to the approximation of the balance of parties in the Committee to that of the whole House, and who shall have power from time to time to discharge the Members so nominated by them, and to appoint others in substitution for those so discharged.

THAT Standing Orders Nos. 49 and 50 do apply to the said Standing Committee.

[*Monday, 7th May* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had added the following Fifteen Members to the Standing Committee for the consideration of all Bills introduced by a Minister of the Crown relating exclusively to Scotland which may, by Order of the House, be committed to such Standing Committee:—Mr. Arthur Balfour, Mr. Gerald Balfour, Mr. Cayzer, Mr. Joseph Chamberlain, Sir Charles Dalrymple, Lord Elcho, Sir James Fergusson, Mr. Henry Hobhouse, Mr. Jeffreys, Mr. Seton-Karr, Mr. Walter Long, Mr. J. W. Lowther, Mr. Muntz, Sir Stafford Northcote, and Mr. Power.

Ordered,—[*Tuesday, 22nd May* 1894]:—THAT the Local Government (Scotland) Bill be committed to the Standing Committee on Scotch Bills.

Ordered,—[*Wednesday, 23rd May* 1894]:—THAT all Standing Committees have leave to print, and circulate with the Votes, the Minutes of their Proceedings, and any amended Clauses of Bills committed to them.

Resolved,—[*Thursday, 24th May* 1894]:—THAT it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the salaries of members and officers of the Local Government Board appointed in pursuance of any Act of the present Session to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes.

[*Friday, 25th May* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Scotland:—Mr. Joseph Chamberlain and Mr. Henry Hobhouse; and had appointed in substitution: Major Darwin and Mr. T. W. Russell.

[*Friday, 25th May* 1894]:—Sir Henry James reported from the Chairmen's Panel; That they had appointed Sir Matthew White Ridley to act as Chairman for the consideration of Bills committed to the Standing Committee (Scotland).

[*Friday, 1st June* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on Scotland:—Mr. Walter Long; and had appointed in substitution: Commander Bethell.

Ordered,—[*Tuesday, 26th June* 1894]:—THAT, until the conclusion of the consideration of the Local Government (Scotland) Bill, the Standing Committee (Scotland) have leave to sit until Four o'clock notwithstanding the Sitting of the House.

REPORT - - - - - - - - - - - - - - - - p. 3

PROCEEDINGS OF THE COMMITTEE - - - - - - - - - p. 4

REPORT.

THE STANDING COMMITTEE on SCOTCH BILLS, to whom the LOCAL GOVERNMENT (SCOTLAND) BILL was referred;——HAVE gone through the Bill, and made Amendments thereunto.

27 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 31*st May* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. J. G. A. Baird.
Mr. J. B. Balfour.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Mr. Cayzer.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Sir Charles Dalrymple.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. William A. Hunter.
Mr. W. Jacks.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald H. Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. T. W. Russell.
Mr. T. Shaw.
Captain John Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. H. J. Tennant.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clauses 1—3, *agreed to.*

Clause 4, page 2.—Amendment proposed, That the Clause be postponed—(Mr. *Graham Murray*).—Question proposed, That the Clause be postponed.—Amendment, by leave, *withdrawn.*

Another

Another Amendment proposed, in page 2, line 2, to leave out the words "the Solicitor General for Scotland"—(Mr. *Maxwell*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 34.	Noes, 24.
Mr. Birkmyre.	Mr. Anstruther.
Mr. Buchanan.	Mr. Baird.
Mr. Caldwell.	Mr. Birrell.
Sir Charles Cameron.	Mr. Cayzer.
Mr. Campbell Bannerman.	Mr. Cochrane.
Sir James Carmichael.	Mr. Cameron Corbett.
Mr. Crombie.	Mr. Donald Crawford.
Mr. Dunn.	Sir Charles Dalrymple.
Dr. Farquharson.	Major Darwin.
Mr. Ferguson.	Sir James Fergusson.
Mr. Hunter.	Captain Hope.
Mr. Jeffreys.	Mr. Hozier.
Mr. Seymour Keay.	Mr. Jacks.
Sir John Kinloch.	Sir John Leng.
Mr. J. W. Lowther.	Dr. MacGregor.
Sir Donald Macfarlane.	Mr. M'Ewan.
Mr. Murray.	Mr. Maxwell.
Mr. Napier.	Sir H. Maxwell.
Sir Stafford Northcote.	Sir Charles Pearson.
Mr. Paul.	Mr. Renshaw.
Mr. Provand.	Mr. T. W. Russell.
Mr. Seton-Karr.	Mr. J. Parker Smith.
Mr. T. Shaw.	Mr. William Whitelaw.
Captain John Sinclair.	Mr. G. A. Whitelaw.
Mr. Harry Smith.	
Sir Mark Stewart.	
Mr. Tennant.	
Sir George Trevelyan.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	
Viscount Wolmer.	

Another Amendment proposed, in page 2, line 3, to leave out the words "and the Under Secretary for Scotland"—(Dr. *MacGregor*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 29.	Noes, 19.
Mr. Birrell.	Mr. Anstruther.
Mr. Buchanan.	Mr. Baird.
Mr. Campbell-Bannerman.	Mr. Birkmyre.
Mr. Cayzer.	Mr. Caldwell.
Mr. Cochrane.	Mr. Cameron Corbett.
Mr. Crombie.	Mr. Donald Crawford.
Sir Charles Dalrymple.	Sir James Fergusson.
Major Darwin.	Captain Hope.
Mr. Dunn.	Mr. Jacks.
Dr. Farquharson.	Sir John Kinloch.
Mr. Ferguson.	Sir John Leng.
Mr. Jeffreys.	Dr. MacGregor.
Mr. Seymour Keay.	Mr. M'Ewan.
Mr. J. W. Lowther.	Mr. Maxwell.
Mr. Napier.	Mr. Paul.
Sir Stafford Northcote.	Mr. J. Parker Smith.
Sir Charles Pearson.	Sir Mark Stewart.
Mr. Provand.	Mr. Weir.
Mr. T. W. Russell.	Mr. William Whitelaw.
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. Tennant.	
Sir George Trevelyan.	
Sir William Wedderburn.	
Mr. G. A. Whitelaw.	
Mr. Stephen Williamson.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 2, line 3, to leave out the word "three," and insert the word "five"—(Mr. *Maxwell*).—Question put, That the word "three" stand part of the Clause.—The Committee divided:

Ayes, 27.	Noes, 11.
Mr. Anstruther.	Mr. Jacks.
Mr. Birrell.	Mr. Seymour Keay.
Mr. Buchanan.	Mr. Maxwell.
Mr. Caldwell.	Sir H. Maxwell.
Sir Charles Cameron.	Sir Charles Pearson.
Mr. Campbell-Bannerman.	Mr. Provand.
Sir James Carmichael.	Mr. Renshaw.
Mr. Cochrane.	Mr. J. Parker Smith.
Mr. Donald Crawford.	Sir Mark Stewart.
Sir Charles Dalrymple.	Mr. William Whitelaw.
Major Darwin.	Mr. Stephen Williamson.
Dr. Farquharson.	
Mr. Munro Ferguson.	
Sir John Kinloch.	
Sir John Leng.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Murray.	
Mr. Paul.	
Mr. T. W. Russell.	
Mr. T. Shaw.	
Captain John Sinclair.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 2, line 5, to leave out from the word "President" to the words "1886," in line 10, and insert the words "and two shall be persons versed in the administration of local government in town councils or county councils"—(Mr. *Cochrane*).—Question, That the words "the second" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 6, to leave out the words "the sheriff of a sheriffdom in Scotland," and insert the words "a member of the Faculty of Advocates"—(Mr. *Caldwell*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That the words "a member of the Faculty of Advocates" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 6, after the word "Advocates" in the last Amendment, to insert the words "of not less than seven years' standing"—(Mr. *Graham Murray*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 6, to leave out from the word "and" to the words "1886," in line 10, and insert the words "and the remaining members shall be appointed from persons having special experience in county, municipal, or poor law administration in Scotland"—(Mr. *Provand*).—Question, That the words "and the third shall be" stand part of the Clause,—put, and *agreed to.*

Question proposed, That the words "a registered medical practitioner" stand part of the Clause.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 5th June 1894.

MEMBERS PRESENT :

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. A. Asher.
Mr. J. G. A. Baird.
Mr. Gerald Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Sir Donald Currie.
Sir Charles Dalrymple.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Mr. Richard B. Haldane.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Sir John Pender.
Mr. Power.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. E. Robertson.
Mr. T. W. Russell.
Mr. M. H. Shaw-Stewart.
Captain John Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 4, page 2, line 7, Question again proposed, That the words, "a registered medical practitioner" stand part of the Clause.—Question put.—The Committee divided :

Ayes, 36.	Noes, 27.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Mr. G. Balfour.
Mr. Buchanan.	Commander Bethell.
Mr. Caldwell.	Mr. Cochrane.
Sir Charles Cameron.	Mr. Cameron Corbett.
Sir James Carmichael.	Mr. Donald Crawford.
Dr. Clark.	Major Darwin.
Mr. Crombie.	Sir James Fergusson.
Sir Donald Currie.	Captain Hope.
Sir Charles Dalrymple.	Mr. Seymour Keay.
Mr. Dunn.	Mr. J. W. Lowther.
Dr. Farquharson.	Mr. Maxwell.
Mr. Ferguson.	Sir H. Maxwell.
Mr. Hozier.	Mr. Murray.
Sir John Kinloch.	Sir Stafford Northcote.
Sir John Leng.	Sir John Pender.
Sir Leonard Lyell.	Mr. Renshaw.
Sir Donald Macfarlane.	Mr. Seton-Karr.

Ayes—*continued.*	Noes—*continued.*
Dr. MacGregor.	Mr. Shaw-Stewart.
Mr. M'Ewan,	Captain John Sinclair.
Mr. Napier.	Mr. J. Parker Smith.
Mr. Paul.	Sir Mark Stewart.
Sir Charles Pearson.	Mr. Thorburn.
Mr. Provand.	Sir William Wedderburn.
Mr. Robertson.	Mr. William Whitelaw.
Mr. T. W. Russell.	Viscount Wolmer.
Mr. H. Smith.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Wason.	
Mr. Weir.	
Mr. G. A. Whitelaw.	
Mr. Stephen Williamson.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 2, line 7, after the word "practitioner," to insert the words "of not less than seven years' standing"—(Mr. *Caldwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*

Another Amendment proposed, in page 2, line 7, to leave out from the word "practitioner" to the word "diploma," in line 8, and insert the word "skilled"—(Mr. *Parker Smith*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 2, line 10, at the end of Sub-section (1), to insert the words "or who has been for a period of not less than five years medical officer of a county or burgh"—(Dr. *Farquharson*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 10, at the end of Sub-section (1), as amended, to insert the words "and who shall not hold any other employment or engage in private practice or employment"—(Mr. *Parker Smith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 18, at the end of the clause, to add the words "(4) The board shall comply with any instructions which may be issued by the Secretary for Scotland"—(Mr. *Donald Crawford*).—Question put, That those words be there added.—The Committee divided :

Ayes, 23.	Noes, 13.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Asher.	Mr. Campbell-Bannerman.
Commander Bethell.	Mr. Cochrane.
Mr. Birkmyre.	Sir Charles Dalrymple.
Mr. Buchanan.	Mr. Ferguson.
Mr. Caldwell.	Sir James Fergusson.
Dr. Clark.	Mr. Seymour Keay.
Mr. Donald Crawford.	Mr. J. W. Lowther.
Major Darwin.	Dr. MacGregor.
Mr. Dunn.	Sir John Pender.
Sir John Leng.	Mr. Power.
Sir Leonard Lyell.	Sir Mark Stewart.
Mr. M'Ewan.	Sir George Trevelyan.
Mr. Paul.	
Sir Charles Pearson.	
Mr. Provand.	
Mr. Renshaw.	
Captain John Sinclair.	
Mr. J. Parker Smith.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Clause, as amended, *agreed to.*

Clause 5, *agreed to,*

Clause

Clause 6.—Amendment proposed, in page 3, line 2, at the end of Sub-section (1), to insert the words "and service under both boards shall count as continuous service for all purposes of pension and superannuation"—(Mr. *Parker Smith*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 6, at the end of Sub-section (2), to insert the words "but such distribution of business shall not confer upon any such officer or person any claim to compensation or to increased salary or remuneration."—(Mr. *Caldwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 9, after the first word "such" to insert the words "assistant medical officers"—(Mr. *Parker Smith*).—Question, That those words be there inserted,—put and *agreed to*.

Another Amendment proposed, in page 3, line 9, after the word "officers" in the last amendment, to insert the word "auditors"—(Mr. *Maxwell*).

[Adjourned till Friday next, at Twelve o'clock.

Friday, 8th June 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. Gerald Balfour.
Mr. G. Beith.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. Jacks.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Mr. Muntz.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. E. Robertson.
Mr. T. W. Russell.
Mr. T. Shaw.
Mr. M. H. Shaw-Stewart.
Captain John Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 6, as amended, further considered.

Amendment again proposed, in page 3, line 9, after the word "officers" at the end of the last amendment, to insert the word "auditors"—(Mr. *Maxwell*).—Question put, That the word "auditors" be there inserted.—The Committee divided:

Ayes, 24.	Noes, 28.
Mr. Anstruther.	Mr. Beith.
Mr. Caldwell.	Mr. Birkmyre.
Mr. Campbell.	Mr. Birrell.
Dr. Clark.	Mr. Buchanan.
Mr. Cochrane.	Sir Charles Cameron.
Mr. A. Cross.	Sir James Carmichael.
Sir Donald Currie.	Mr. Dalziel.
Sir Charles Dalrymple.	Dr. Farquharson.
Major Darwin.	Mr. Ferguson.
Sir James Fergusson.	Mr. Jacks.
Captain Hope.	Mr. Seymour Keay.
Mr. Hozier.	Sir John Kinloch.
Mr. Jeffreys.	Sir John Leng.
Mr. Maxwell.	Sir Leonard Lyell.
Sir Charles Pearson.	Sir Donald Macfarlane.
Mr. Renshaw.	Dr. MacGregor.
Mr. Seton-Karr.	Mr. M'Ewan.
Mr. Shaw-Stewart.	Mr. Paul.
Mr. J. Parker Smith.	Mr. Provand.
Sir Mark Stewart.	Mr. Robertson.
Mr. Thorburn.	Mr. T. Shaw.
Mr. William Whitelaw.	Mr. H. Smith.
Mr. G. A. Whitelaw.	Sir George Trevelyan.
Viscount Wolmer.	Mr. Robert Wallace.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. John Wilson (Lanark).

Clause, as amended, *agreed to.*

Clause 7, *agreed to.*

Clause 8.—Amendment proposed, in page 3, line 25, to leave out the word "council" and insert the word "board"—(Mr. *Maxwell*).—Question put, That the word "council" stand part of the Clause.—The Committee divided:

Ayes, 33.	Noes, 18.
Mr. Beith.	Mr. Anstruther.
Mr. Birkmyre.	Mr. Campbell.
Mr. Birrell.	Mr. Cochrane.
Mr. Buchanan.	Sir Charles Dalrymple.
Mr. Caldwell.	Major Darwin.
Dr. Clark.	Sir James Fergusson.
Mr. A. Cross.	Captain Hope.
Sir Donald Currie.	Mr. Hozier.
Mr. Dalziel.	Mr. Maxwell.
Dr. Farquharson.	Mr. Paul.
Mr. Ferguson.	Sir Charles Pearson.
Mr. Jeffreys.	Mr. Shaw-Stewart.
Mr. Seymour Keay.	Captain John Sinclair.
Sir John Kinloch.	Sir Mark Stewart.
Sir John Leng.	Mr. Thorburn.
Sir Leonard Lyell.	Mr. William Whitelaw.
Sir Donald Macfarlane.	Mr. G. A. Whitelaw.
Dr. MacGregor.	Viscount Wolmer.
Mr. M'Ewan.	
Mr. Provand.	
Mr. Renshaw.	
Mr. Robertson.	
Mr. Seton Karr.	
Mr. T. Shaw.	
Mr. H. Smith.	
Mr. J. Parker Smith.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another

Another Amendment proposed, in page 3, line 26, after the word "parish" to add the words "or group of two or more parishes as may be sanctioned by the Board"—(Sir *John Kinloch*).—Question proposed, That those words be there added.—Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 9.—Amendment proposed, in page 3, line 27, to leave out the word "chairman" and insert the word "convener"—(Mr. *William Whitelaw*).—Question put, That the word "chairman" stand part of the Clause.—The Committee divided:

Ayes, 32.	Noes, 24.
Mr. Beith.	Mr. Anstruther.
Mr. Birkmyre.	Mr. Campbell.
Mr. Birrell.	Mr. Cochrane.
Mr. Buchanan.	Mr. Cameron Corbett.
Mr. Caldwell.	Sir Donald Currie.
Sir Charles Cameron.	Mr. Ferguson.
Sir James Carmichael.	Sir James Fergusson.
Dr. Clark.	Captain Hope.
Mr. Crombie.	Mr. Hozier.
Mr. A. Cross.	Mr. Jeffreys.
Sir Charles Dalrymple.	Mr. Seymour Keay.
Mr. Dalziel.	Sir John Kinloch.
Major Darwin.	Sir Leonard Lyell.
Dr. Farquharson.	Mr. Paul.
Mr. Jacks.	Sir Charles Pearson.
Sir John Leng.	Mr. Seton-Karr.
Dr. MacGregor.	Captain John Sinclair.
Mr. M'Ewan.	Mr. J. Parker Smith.
Mr. Maxwell.	Sir Mark Stewart.
Mr. Provand.	Mr. Thorburn.
Mr. Renshaw.	Mr. Weir.
Mr. Robertson.	Mr. William Whitelaw.
Mr. T. Shaw.	Mr. G. A. Whitelaw.
Mr. Shaw-Stewart.	Viscount Wolmer.
Mr. H. Smith.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Stephen Williamson.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 3, line 28, after the first word "councillors," to insert the words "and in landward parishes and landward parts of parishes county councillors shall be *ex-officio* members in the parishes which they represent"—(Mr. *Cochrane*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 3, line 29, to leave out the words "and partly burghal"—(Captain *Hope*).—Question, That the words "and partly burghal" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 31, to leave out from the word "from" to the word "Board" in line 38, and insert the words "with the approval of the board be fixed—(1) With a view to the first election by the parochial board; (2) Thereafter and from time to

time by the parish council"—(Mr. *G. Whitelaw*).—Question put, That the words "from time to time" stand part of the Clause.—The Committee divided :—

Ayes, 38.	Noes, 16.
Mr. Anstruther.	Mr. G. Balfour.
Mr. Beith.	Mr. Caldwell.
Mr. Birkmyre.	Mr. Cochrane.
Mr. Buchanan.	Mr. Cameron Corbett.
Sir Charles Cameron.	Sir James Fergusson.
Mr. Campbell.	Mr. Hozier.
Mr. Campbell-Bannerman.	Mr. Jacks.
Sir James Carmichael.	Mr. Jeffreys.
Dr. Clark.	Mr. Seymour Keay.
Mr. Donald Crawford.	Sir John Leng.
Mr. Crombie.	Mr. Maxwell.
Sir Donald Currie.	Mr. Muntz.
Sir Charles Dalrymple.	Captain John Sinclair.
Mr. Dalziel.	Mr. William Whitelaw.
Major Darwin.	Mr. G. A. Whitelaw.
Mr. Dunn.	Mr. Stephen Williamson.
Dr. Farquharson.	
Mr. Ferguson.	
Captain Hope.	
Sir John Kinloch.	
Sir Leonard Lyell.	
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Paul.	
Sir Charles Pearson.	
Mr. Provand.	
Mr. Renshaw.	
Mr. Robertson.	
Mr. T. Shaw.	
Mr. J. Parker Smith.	
Sir Mark Stewart.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Shiress Will.	
Mr. John Wilson (Lanark).	
Viscount Wolmer.	

Another Amendment proposed, in page 3, line 32, after the word "fixed," to insert the words, "In the case of the parishes set forth in Schedule 4 to this Act annexed by the parochial boards or parish councils of the said parishes and in all other parishes"—(Sir *Charles Cameron*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 34, after the word "council," to insert the words "or police commissioners"—(Mr. *Parker Smith*).

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 12*th June* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. J. G. A. Baird.
Mr. Arthur Balfour.
Mr. Gerald Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Mr. Cayzer.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Sir Leonard Lyell.
Mr. J. W. Lowther.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. T. W. Russell.
Mr. T. Shaw.
Mr. M. H. Shaw-Stewart.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. G. A. Whitelaw.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 9, further considered.

Amendment again proposed, in page 3, line 34, after the word "council," to insert the words "or police commissioners"—(Mr. *Parker Smith*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 35, after the word "burghal," to insert the words "or including the area or part of the area of a police burgh or burghs"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 36, after the word "councils," to insert the words "and burgh commissioners"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 3, line 38, at the end of Sub-section (c), to insert the words:

"Provided that, in the case of the burghs and parishes mentioned in Schedule 4, the number of councillors, including the chairman, shall be fixed by the Board, and before so fixing the Board shall communicate with such authorities, whether county councils, town councils, police commissioners, parochial boards, school boards, or others, as appear to them to be concerned, and before issuing an order shall consider any objections or suggestions made by such authorities in relation thereto"—(Mr. *Parker Smith*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 3, line 39, to leave out from the word "where" to the word "burghs" in page 4, line 3—(Sir *George Trevelyan*).—Question, That the words proposed to be left out stand part of the Bill,—put, and *negatived.*

Another Amendment proposed, in page 3, line 38, after the word "Board," to insert the words:

"(2) In the case of the parishes named in the Fourth Schedule to this Act the number of councillors, including the chairman, shall, notwithstanding anything contained in the preceding sub-section, be such as may from time to time be fixed by the Board after consultation with the parochial boards or parish councils of the said parishes, and such other local authorities as may appear to the Board to be concerned"—(Sir *Charles Cameron*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 4, line 6, after the word "population," to insert the words "according to the last published census for the time being"—(Major *Darwin.*)—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 4, line 6, after the word "being," at the end of the last Amendment, to leave out the words "special wants and circumstances of the parish," and insert "to the distribution and pursuits of such population, and to the area of the parish, and to the annual value of the lands and heritages therein as appearing on the valuation roll"—(Captain *Hope*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 4, line 7, after the first word "parish," to insert the words "and the value of the property therein"—(Mr. *Renshaw*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 23.	Noes, 32.
Mr. Anstruther.	Mr. Beith.
Mr. G. Balfour.	Mr. Birkmyre.
Commander Bethell.	Mr. Birrell.
Mr. Campbell.	Mr. Buchanan.
Mr. Cochrane.	Mr. Caldwell.
Sir Donald Currie.	Sir Charles Cameron.
Sir James Fergusson.	Sir James Carmichael.
Captain Hope.	Dr. Clark.
Mr. Hozier.	Mr. Donald Crawford.
Mr. Jeffreys.	Mr. Dalziel.
Mr. J. W. Lowther.	Dr. Farquharson.
Mr. Maxwell.	Mr. Munro Ferguson.
Sir Herbert Maxwell.	Mr. Seymour Keay.
Sir Stafford Northcote.	Sir John Kinloch.
Sir Charles Pearson.	Sir John Leng.
Mr. Renshaw.	Sir Leonard Lyell.
Mr. Seton-Karr.	Sir Donald Macfarlane.
Mr. Shaw-Stewart.	Dr. MacGregor.
Mr. J. Parker Smith.	Mr. M'Ewan.
Sir Mark Stewart.	Mr. Paul.
Mr. Thorburn.	Mr. Power.
Mr. William Whitelaw.	Mr. T. Shaw.
Mr. G. A. Whitelaw.	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Shiress Will.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 4, line 10, to leave out the word "six," and insert the word "five"—(Captain *Hope*).—Question, That the word "six" stand part of the Clause,—put, and *negatived.*

Question

Question put, That the word "five" be there inserted.—The Committee divided:

Ayes, 37.	Noes, 19.
Mr. Anstruther.	Mr. Beith.
Mr. G. Balfour.	Mr. Birkmyre.
Commander Bethell.	Mr. Buchanan.
Mr. Birrell.	Mr. Dalziel.
Mr. Caldwell.	Dr. Farquharson.
Sir Charles Cameron.	Mr. Munro Ferguson.
Mr. Campbell.	Mr. Seymour Keay.
Sir James Carmichael.	Sir John Leng.
Dr. Clark.	Mr. Paul.
Mr. Cochrane.	Mr. Power.
Mr. Donald Crawford.	Mr. T. Shaw.
Sir Donald Currie.	Mr. H. Smith.
Sir Charles Dalrymple.	Mr. Angus Sutherland.
Major Darwin.	Sir George Trevelyan.
Sir James Fergusson.	Mr. Wason.
Captain Hope.	Sir William Wedderburn.
Mr. Hozier.	Mr. Weir.
Mr. Jeffreys.	Mr. Shiress Will.
Sir John Kinloch.	Mr. John Wilson (Lanark).
Mr. J. W. Lowther.	
Sir Leonard Lyell.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Maxwell.	
Sir Herbert Maxwell.	
Sir Stafford Northcote.	
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. Seton-Karr.	
Mr. Shaw-Stewart.	
Captain John Sinclair.	
Mr. J. Parker Smith.	
Sir Mark Stewart.	
Mr. Tennant.	
Mr. Thorburn.	
Mr. William Whitelaw.	
Mr. G. A. Whitelaw.	

Another Amendment made.

Clause as amended *agreed to.*

Clause 10.—Amendment proposed, in page 4, line 14, after the word "register," to insert the words "Provided that exemption from or failure to make payment of any rate levied by the parish council shall be a disqualification in the same manner as the disqualification presently arising from exemption from or failure to make payment of poor rate in the case of a Parliamentary elector"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 4, line 14, after the word "register," to insert the words "Provided that exemption from or failure to make payment of the special rate authorised by this Act where such rate is due and payable by persons so registered shall be a disqualification for being a parish elector"—(Mr. *Hozier*).—Question proposed, That those words be there inserted.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 15*th June* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. Asquith.
Mr. J. G. A. Baird.
Mr. Arthur Balfour.
Mr. Gerald Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. J. Bryce.
Mr. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Mr. Cayzer.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. Hozier.
Mr. William A. Hunter.
Mr. Jacks.
Mr. Seton Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Sir Leonard Lyell.
Mr. J. W. Lowther.
Sir Donald Macfarlane.
Dr. Donald MacGregor.
Mr. William M'Ewan.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Sir John Pender.
Mr. C. B. Renshaw.
Mr. E. Robertson.
Mr. T. W. Russell.
Mr. T. Shaw.
Mr. M. H. Shaw-Stewart.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 10 further considered.

Amendment again proposed, in page 4, line 14, after the word "register," to insert the words:

"Provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification for being a parish elector"—(Mr. *Hozier*).—Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, after the word "Act," to insert the words "for the previous year"—(Dr. *Clark*).—Question proposed, That those words be inserted in the proposed Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn*.

Another Amendment proposed to the proposed Amendment, after the word "disqualification," to leave out the words "for being a parish elector," and insert the words "from voting at an election of a parish council"—(Sir *George Trevelyan*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived*.

Question, That the proposed words be there inserted,—put, and *agreed to*.

Another Amendment proposed to the proposed Amendment as amended, after the word "council" at the end of the foregoing Amendment, to add the words, "unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same"—(Sir *George Trevelyan*).—Quetion, That the proposed words be there added,—put, and *agreed to*.

Question

Question put, That the proposed words, as amended, viz., "provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification from voting at an election of a parish council, unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same" be there inserted.—The Committee divided:

Ayes, 46.	Noes, 28.
Mr. Anstruther.	Mr. Beith.
Mr. Asquith.	Mr. Birkmyre.
Mr. Baird.	Mr. Birrell.
Mr. A. Balfour.	Mr. Buchanan.
Mr. G. Balfour.	Mr. Caldwell.
Mr. J. B. Balfour.	Sir Charles Cameron.
Commander Bethell.	Sir James Carmichael.
Mr. Bryce.	Dr. Clark.
Mr. Campbell.	Mr. Crombie.
Mr. Cayzer.	Mr. Dalziel.
Mr. Cochrane.	Mr. Dunn.
Mr. Cameron Corbett.	Dr. Farquharson.
Mr. Donald Crawford.	Mr. Hunter.
Mr. A. Cross.	Mr. Seymour Keay.
Sir Donald Currie.	Sir John Leng.
Sir Charles Dalyrmple.	Sir Leonard Lyell.
Major Darwin.	Sir Donald Macfarlane.
Mr. Munro Ferguson.	Dr. MacGregor.
Sir James Fergusson.	Mr. Paul.
Captain Hope.	Captain John Sinclair.
Mr. Hozier.	Mr. H. Smith.
Mr. Jacks.	Mr. Angus Sutherland.
Sir John Kinloch.	Mr. Robert Wallace.
Mr. J. W. Lowther.	Mr. Wason.
Mr. M'Ewan.	Sir William Wedderburn.
Mr. Maxwell.	Mr. Weir.
Sir Herbert Maxwell.	Mr. Shiress Will.
Mr. Murray.	Mr. John Wilson (Lanark).
Sir Stafford Northcote.	
Sir Charles Pearson.	
Sir John Pender.	
Mr. Renshaw.	
Mr. Robertson.	
Mr. T. W. Russell.	
Mr. Seton-Karr.	
Mr. T. Shaw.	
Mr. Shaw-Stewart.	
Mr. J. Parker Smith.	
Sir Mark Stewart.	
Mr. Tennant.	
Mr. Thorburn.	
Sir George Trevelyan.	
Mr. William Whitelaw.	
Mr. G. A. Whitelaw.	
Mr. Stephen Williamson.	
Viscount Wolmer.	

Another Amendment proposed, in page 4, after the word "same," at the end of the last Amendment, to insert the words "Provided that no parish elector shall be disqualified for non-payment of poor rate, county consolidated rate, or other rate, if such rate is paid within one year subsequent to service of the demand note for payment of the same"—(Mr. *Buchanan*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 27.	Noes, 30.
Mr. Beith.	Mr. Anstruther.
Mr. Birkmyre.	Mr. A. Balfour.
Mr. Buchanan.	Mr. G. Balfour.
Mr. Caldwell.	Mr. J. B. Balfour.
Sir Charles Cameron.	Commander Bethell.
Sir James Carmichael.	Mr. Campbell.
Dr. Clark.	Mr. Cochrane.

Ayes—*continued.*	Noes—*continued.*
Mr. Dalziel.	Mr. Cameron Corbett.
Mr. Dunn.	Sir Donald Currie.
Dr. Farquharson.	Sir Charles Dalrymple.
Mr. Hunter.	Major Darwin.
Mr. Jacks.	Mr. Munro Ferguson.
Mr. Seymour Keay.	Sir James Fergusson.
Sir John Kinloch.	Mr. Hozier.
Sir John Leng.	Mr. J. W. Lowther.
Sir Leonard Lyell.	Mr. M'Ewan.
Dr. MacGregor.	Mr. Maxwell.
Mr. Paul.	Mr. Murray.
Captain John Sinclair.	Sir Stafford Northcote.
Mr. H. Smith.	Sir Charles Pearson.
Mr. Angus Sutherland.	Mr. Renshaw.
Mr. Tennant.	Mr. Robertson.
Mr. Robert Wallace.	Mr. Seton-Karr.
Mr. Wason.	Mr. T. Shaw.
Mr. Weir.	Mr. Shaw-Stewart.
Mr. Stephen Williamson.	Mr. James Parker Smith.
Mr. John Wilson (Lanark).	Sir Mark Stewart.
	Sir George Trevelyan.
	Mr. G. A. Whitelaw.
	Viscount Wolmer.

Another Amendment proposed, in page 4, after the word " same," at the end of the last Amendment, to insert the words " So much of any Act as requires that any assessed taxes, or poor or other rate, except the special parish rate, shall be paid for the purpose of entitling a person to be an elector, shall not apply to a parish elector "—(Mr. *Seymour Keay*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 24.	Noes, 36.
Mr. Beith.	Mr. Anstruther.
Mr. Birkmyre.	Mr. Baird.
Mr. Birrell.	Mr. G. Balfour.
Mr. Buchanan.	Mr. J. B. Balfour.
Mr. Caldwell.	Commander Bethell.
Sir James Carmichael.	Mr. Campbell.
Dr. Clark.	Mr. Campbell-Bannerman.
Mr. Dalziel.	Mr. Cayzer.
Mr. Dunn.	Mr. Cochrane.
Dr. Farquharson.	Mr. Donald Crawford.
Mr. Hunter.	Sir Charles Dalyrmple.
Mr. Seymour Keay.	Major Darwin.
Sir John Leng.	Mr. Munro Ferguson.
Sir Donald Macfarlane.	Sir James Fergusson.
Dr. MacGregor.	Captain Hope.
Captain John Sinclair.	Mr. Hozier.
Mr. H. Smith.	Sir John Kinloch.
Mr. Angus Sutherland.	Mr. J. W. Lowther.
Mr. Robert Wallace.	Mr. M'Ewan.
Mr. Wason.	Mr. Maxwell.
Sir William Wedderburn.	Sir Herbert Maxwell.
Mr. Weir.	Sir Stafford Northcote.
Mr. Shiress Will.	Mr. Paul.
Mr. John Wilson (Lanark).	Sir Charles Pearson.
	Mr. Renshaw.
	Mr. Robertson.
	Mr. Seton-Karr.
	Mr. T. Shaw.
	Mr. James Parker Smith.
	Sir Mark Stewart.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. William Whitelaw.
	Mr. G. A. Whitelaw.
	Mr. Stephen Williamson.
	Viscount Wolmer.

Another

Another Amendment proposed, in page 4, line 16, to leave out from the word "for" to the word "elected," in line 17—(Mr. *Parker Smith*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Another Amendment proposed, in page 4, line 19, at the end of the Clause, to add the words, "(4) The parish council may elect one other person from outside their own body, but from persons qualified to be parish councillors, and the person so elected shall be an additional member of the parish council"—(Major *Darwin*).—Question proposed, That those words be there added.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 19*th June* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. A. Asher.
Mr. J. G. A. Baird.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell,
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Mr. Cayzer.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Mr. W. Dunn.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. Jacks.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir. John Kinloch.
Sir John Leng.
Sir Leonard Lyell.
Mr. J. W. Lowther.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. E. Robertson.
Mr. T. W. Russell.
Mr. T. Shaw.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. G. A. Whitelaw.
Mr Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 10, as amended, further considered.

Amendment again proposed, in page 4, line 19, at the end of the Clause, to add the words, "(4) The parish council may elect one other person from outside their own body, but from persons qualified to be parish councillors, and the person so elected shall be an additional member of the parish council"—(Major *Darwin*).—Question again proposed, That those words be there added.—Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 11.—Amendment proposed, in page 4, line 24, to leave out the words "a parish council" and insert the word "such"—(Sir *Charles Cameron*).—Question proposed, That the words "a parish council" stand part of the Clause.—Amendment, by leave, *withdrawn*.

An Amendment made.

Another Amendment proposed, in page 4, line 24, to leave out from the word "register" to the word "property," in line 25, and insert the words "but her husband shall not be qualified in respect of the same property"—(Mr. *Caldwell*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment made.

Another Amendment proposed, in page 4, line 25, to leave out the word "property" and insert the word "qualification"—(Sir *George Trevelyan*).—Question put, That the word "property" stand part of the Clause.—The Committee divided:

Ayes, 38.	Noes, 26.
Mr. Asher.	Mr. Anstruther.
Mr. J. B. Balfour.	Mr. Baird.
Mr. Beith.	Commander Bethell.
Mr. Birkmyre.	Mr. Campbell.
Mr. Birrell.	Sir James Carmichael.
Mr. Buchanan.	Mr. Cayzer.
Mr. Caldwell.	Mr. Cochrane.
Sir Charles Cameron.	Mr. Cameron Corbett.
Mr. Campbell-Bannerman.	Mr. A. Cross.
Dr. Clark.	Sir James Fergusson.
Mr. Donald Crawford.	Captain Hope.
Sir Charles Dalrymple.	Mr. Hozier.
Mr. Dalziel.	Mr. Jeffreys.
Mr. Dunn.	Mr. J. W. Lowther.
Dr. Farquharson.	Dr. MacGregor.
Mr. Munro Ferguson.	Mr. Maxwell.
Mr. Jacks.	Sir Stafford Northcote.
Mr. Seymour Keay.	Sir Charles Pearson.
Sir John Kinloch.	Mr. Renshaw.
Sir John Leng.	Mr. T. W. Russell.
Sir Leonard Lyell.	Mr. Seton-Karr.
Sir Donald Macfarlane.	Mr. James Parker Smith.
Mr. M'Ewan.	Sir Mark Stewart.
Mr. Napier.	Mr. Thorburn.
Mr. Paul.	Mr. G. A. Whitelaw.
Mr. Power.	Viscount Wolmer.
Mr. Provand.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 4, line 25, at the end of the clause to add the word "qualification"—(Mr. *Cochrane*).—Question, That the word "qualification" be there added,—put, and *negatived*.

Clause, as amended, *agreed to*.

Clause 12.—Amendment proposed, in page 4, line 27, after the word "effect" to insert the words "Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one register of parish electors"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another

Another Amendment proposed, in page 4, line 32, after the word "burghal," to insert the words "or including the area or part of the area of a police burgh"—(Mr. *Buchanan*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 4, line 42, after the word "wards," to insert the words "except in the case of the parishes situated within the burghs mentioned in Schedule Four"—(Sir *Charles Cameron*).—Question, That those words be there inserted,—put, and *negatived*

Another Amendment proposed, in page 5, line 13, after the word "register," to insert the words "Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one register of parish electors"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 5, line 16, to leave out from the word "prepare" to the word "accordingly" in line 22, and insert the words "insert in such register the names of persons duly qualified as parish electors in more than one parish in respect of each of such qualifications, but shall prefix a distinctive mark indicating where such insertion is for the purposes of the parish council register only"—(*The Lord Advocate*).—Question, That the words proposed to be left out stand part of the clause,—put, and *negatived.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

[Adjourned till Friday next, at Twelve o'clock.

Friday, 22nd June, 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. A. Asher.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir C. Cameron.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. Hunter.
Mr. W. Jacks.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Mr. J. W. Lowther.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. M. Napier.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. T. Shaw.
Mr. Shaw-Stewart.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir. Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. R. Wallace.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 12, as amended, further considered.

Another Amendment proposed, in page 5, after the word "only," at the end of the last Amendment, to insert the words—

"(6) It shall be lawful to object to the insertion or omission of the distinctive marks in this section mentioned, as nearly as may be in the same manner, and subject to the same provisions as to appeal and otherwise, as in the case of any other entry in or omission from such registers."

"(7) An elector to whose number or name as entered in such registers the distinctive mark, as in Sub-Section five of this section mentioned, is prefixed, shall not, in respect of such entry, be deemed to be registered as a parliamentary or county or municipal elector, and shall not be entitled to vote in respect of such entry at a parliamentary or county council or municipal election."

—(*The Lord Advocate*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 5, line 24, to leave out the word "county" and insert the word "sheriff"—(Mr. *Renshaw*).—Question put, That the word "county" stand part of the Clause. The Committee divided :

Ayes, 29.	Noes, 15.
Mr. Asher.	Mr. Anstruther.
Mr. J. B Balfour.	Commander Bethell.
Mr. Beith.	Mr. Cochrane.
Mr. Birkmyre.	Sir Charles Dalrymple.
Mr. Buchanan.	Major Darwin.
Mr. Caldwell.	Captain Hope.
Sir Charles Cameron.	Mr. Hozier.
Sir James Carmichael.	Mr. J. W. Lowther.
Dr. Clark.	Mr. Maxwell.
Mr. Crombie.	Sir H. Maxwell.
Mr. Dalziel.	Sir Charles Pearson.
Dr. Farquharson.	Mr. Renshaw.
Mr. Munro Ferguson.	Captain John Sinclair.
Mr. Seymour Keay.	Mr. J. Parker Smith.
Sir John Kinloch.	Mr. G. A. Whitelaw.
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Napier.	
Mr. Power.	
Mr. Provand.	
Mr. T. Shaw.	
Mr. H. Smith.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 5, line 25, to leave out the word "clerks" and insert the words "inspectors of poor"—(Mr. *Provand*).—Question proposed, That the word "clerks" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 13.—Amendment proposed, in page 5, line 34, after the word "parish" to insert the words "Provided that no such landward part or burghal part of a parish partly landward and partly burghal which does not contain a population of at least one hundred shall be a separate parish ward, but shall be included in such adjoining ward as the county council and town council or councils and burgh commissioners may jointly determine. In such case, failing agreement, as may be fixed by the board"—(Mr. *Parker Smith*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 35, to leave out from the word "A" to the word "parish" in line 37—(Mr. *Parker Smith*).—Question proposed, That the words "A police burgh or any part thereof" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another

Another Amendment proposed, in page 5, line 35, after the word "thereof" to insert the words "containing a population of at least one hundred"—(Sir *James Fergusson*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 37, after the word "parish," to insert the words "and the register of county council electors for the ward or wards constituting the said police burgh shall be held to be the register of the said police burgh for the purposes of the election of police commissioners; and Sections thirty and thirty-one of 'The Burgh Police (Scotland) Act, 1892,' in as far as they enact that a separate register shall be made for this purpose, are hereby repealed"—(Mr. *Crombie*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 38, to leave out the words "A county council" and insert the words "The Board"—(Captain *Sinclair*).—Question proposed, That the words "A county council" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 38, after the word "council," to insert the words "after local inquiry, one month's notice of which shall be given to the parish council (or to the parochial board), and"—(Major *Darwin*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 5, line 38, to leave out from the word "on" to the word "therein" in page 6, line 8, and insert the words "shall, by order under their seal, divide any landward parish, or the landward part of any partly landward parish, into so many parish wards as there shall be members of the parish council for that parish or part of a parish, and shall in such order designate each parish ward and define its boundaries: Provided that the county council shall, in making such division, follow the existing boundary of the county into county council electoral divisions, but may divide any such electoral division into two or more parish wards"—(Mr. *Parker Smith*).—Question put, That the words "on being satisfied" stand part of the Clause.—The Committee divided:

Ayes, 26.	Noes, 13.
Mr. Anstruther.	Mr. Campbell.
Mr. J. B. Balfour.	Mr. Cameron Corbett.
Mr. Beith.	Major Darwin.
Mr. Birkmyre.	Sir James Fergusson.
Mr. Buchanan.	Captain Hope.
Mr. Caldwell.	Mr. Hozier.
Mr. Cochrane.	Mr. Maxwell.
Mr. Dalziel.	Sir Charles Pearson.
Dr. Farquharson.	Mr. Renshaw.
Mr. Munro Ferguson.	Mr. Shaw-Stewart.
Mr. Hunter.	Mr. J. Parker Smith.
Mr. Jacks.	Sir Mark Stewart.
Mr. Seymour Keay.	Mr. G. A. Whitelaw.
Sir John Kinloch.	
Dr. MacGregor.	
Mr. Paul.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. John Wilson (Lanark).	

Amendments made.

Another Amendment proposed, in page 5, line 42, after the word "may," to insert the words "with the approval of the board"—(Mr. *Hozier*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 7.	Noes, 31.
Mr. Caldwell.	Mr. Anstruther.
Mr. Cochrane.	Mr. Birkmyre.
Mr. A. Cross.	Mr. Buchanan.
Captain Hope.	Sir Charles Cameron.
Mr. Hozier.	Mr. Cameron Corbett.
Mr. Maxwell.	Mr. Dalziel.
Mr. G. A. Whitelaw.	Major Darwin.
	Dr. Farquharson.
	Mr. Munro Ferguson.
	Mr. Hunter.
	Mr. Jacks.
	Mr. Seymour Keay.
	Sir Leonard Lyell.
	Sir Donald Macfarlane.
	Dr. MacGregor.
	Sir H. Maxwell.
	Mr. Paul.
	Sir Charles Pearson.
	Mr. Renshaw.
	Mr. T. Shaw.
	Mr. Shaw-Stewart.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. J. Parker Smith.
	Sir Mark Stewart.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 6, line 3, after the word "expedient," to insert the words "provided that no ward shall return more than three members"—(*Mr. Parker Smith*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 9.	Noes, 29.
Major Darwin.	Mr. Asher.
Captain Hope.	Mr. Beith.
Mr. Hozier.	Mr. Birkmyre.
Mr. Maxwell.	Mr. Buchanan.
Sir H. Maxwell	Mr. Caldwell.
Sir Charles Pearson.	Sir Charles Cameron.
Mr. Renshaw.	Mr. Cochrane.
Mr. J. Parker Smith.	Mr. Cameron Corbett.
Sir Mark Stewart.	Mr. A. Cross.
	Mr. Dalziel.
	Dr. Farquharson.
	Mr. Munro Ferguson.
	Mr. Hunter.
	Mr. Jacks.
	Mr. Seymour Keay.
	Sir Leonard Lyell.
	Sir Donald Macfarlane.
	Dr. MacGregor.
	Mr. Paul.
	Mr. T. Shaw.
	Mr. Shaw-Stewart.
	Capt. John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 6, line 5, after the word "divisions" to insert the words "and taking into consideration the existing division of the parish into special districts for

for any purposes mentioned in this or other Acts"— (Major *Darwin*).—Question proposed, That those words be there inserted.—Amendment by leave, *withdrawn.*

Other Amendments made.

Another Amendment proposed, in page 6, line 20, after the first word "shall" to insert the words "subject to the exceptions contained in Section 5 (a) and in Schedule Two thereof" —(Mr. *Robert Wallace*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 6, line 20, after the second word "shall" to insert the words "notwithstanding any local Act to the contrary"—(Mr. *Harry Smith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 6, line 20, after the second word "include" to insert the words "the revision, alteration, extension or contraction of the boundaries of a burgh for municipal purposes, and"—(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment by leave, *withdrawn.*

Another Amendment proposed, in page 6, line 22, to leave out the words "parliamentary and"—(Mr. *Parker Smith*).—Question proposed, That the words "parliamentary and" stand part of the Clause.—Amendment by leave, *withdrawn.*

Other Amendments made.

Clause, as amended, *agreed to.*

Clause 14.—Amendment proposed, in page 6, line 41, to leave out the words "second and subsequent"—(Mr. *Maxwell*).—Question proposed, That the words "second and subsequent" stand part of the Clause.

[Adjourned till Tuesday next at Twelve o'clock.

Tuesday, 26th June 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. J. G. A. Baird.
Mr. A. Balfour.
Mr. G. Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. Jacks.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Sir Leonard Lyell.
Mr. J. W. Lowther.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. C. B. Renshaw.
Mr. T. W. Russell.
Mr. M. H. Shaw-Stewart.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark.)
Viscount Wolmer.

Motion made, and question proposed, That the Committee, at its rising this day, do adjourn until eleven o'clock on Friday—(Sir *George Trevelyan*).—Motion, by leave, *withdrawn*.

Clause 14 further considered.—Amendment again proposed, in page 6, line 41, to leave out the words "second and subsequent"—(Mr. *Maxwell*).—Question put, That the words "second and subsequent" stand part of the Clause.—The Committee divided:

Ayes, 29.	Noes, 26.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Mr. G. Balfour.
Mr. Buchanan.	Commander Bethell.
Sir Charles Cameron.	Mr. Caldwell.
Sir James Carmichael.	Mr. Campbell.
Dr. Clark.	Mr. Cochrane.
Mr. Donald Crawford.	Mr. Cameron Corbett.
Mr. Dalziel.	Sir Charles Dalrymple.
Mr. Munro Ferguson.	Major Darwin.
Mr. Jacks.	Sir James Fergusson.
Mr. Seymour Keay.	Captain Hope.
Sir John Kinloch.	Mr. Hozier.
Sir John Leng.	Mr. J. W. Lowther.
Sir Leonard Lyell.	Mr. Maxwell.
Sir Donald Macfarlane.	Mr. Murray.
Dr. MacGregor.	Sir Charles Pearson.
Mr. M'Ewan.	Mr. Renshaw.
Mr. Napier.	Mr. Seton-Karr.
Mr. Paul.	Mr. Shaw-Stewart.
Mr. Power.	Mr. J. Parker Smith.
Captain John Sinclair.	Sir Mark Stewart.
Mr. H. Smith.	Mr. Thorburn.
Mr. Tennant.	Mr. William Whitelaw.
Sir George Trevelyan.	Mr. G. A. Whitelaw.
Mr. Wason.	Viscount Wolmer.
Sir William Wedderburn.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 7, line 5, to leave out the words "on the same day and"—(Mr. *Caldwell*).—Question "That the words "on the same day and" stand part of the Clause,—put, and *agreed to*.

Another Amendment proposed, in page 7, line 6, after the word "places" to insert the words "with the same ballot papers."—(Mr. *Maxwell*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment proposed, in page 7, line 16, to leave out from the word "shall" to the word "councillors" in line 17, and insert the words "in case there is no contested election for county councillors in the county council electoral division or divisions corresponding to such parish or part of the parish as the case may be, be defrayed out of the poor rate, and, in case there is such contested election, shall be defrayed as to one half out of the poor rate, and as to the other half out of the general purposes rate of the county."—(Mr. *Maxwell*).—Question proposed, That the words "shall be defrayed" stand part of the clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 7, line 16, to leave out from the word "shall" to the word "councillors" in line 17, and insert the words "as ascertained and apportioned by agreement between the county council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such landward parish, or part of a parish, respectively, and shall be paid to the county council by such parish council or councils"—(Mr. *Provand*).—Question, That the words proposed to be left out stand part of the clause,—put, and *negatived*.

Question, That those words be there inserted,—put, and *agreed to*.

Clause,

Clause, as amended, *agreed to.*

Clause 15.—Amendment proposed, in page 7, line 41, to leave out from the words "The election" to the word "councillors" in page 8, line 23, and insert the words:

"(1) Where the burghal parish comprises the whole burgh the parish councillors for the parish shall be the members of the town council;

"(2) In a parish partly landward the members of the parish council representing the burghal portion of the parish shall be appointed by the town council from among their own number in the month of December in every year in which the election of a parish council is appointed to take place"—

(Captain *Hope*).—Question proposed, That the words "The election" stand part of the Clause,—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 8, line 19, after the word "election," to insert the words "but in the case of the burghal part of a parish partly burghal and partly landward, the councillors shall remain in office till the first Tuesday in December next following their election, when their places shall be filled by the newly elected councillors"--(Major *Darwin*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment made.

Another Amendment proposed, in page 8, line 35, at the end of the Clause, to add the words "(8) The foregoing provisions shall apply to the second and subsequent elections of parish councillors in parishes or parts of parishes co-extensive with police burghs or parts thereof, with the omission of the word 'burghal,' and with the substitution of the expression 'police burgh' for 'burgh,' and 'burgh commissioners' for 'town council'"—(Sir *George Trevelyan*).—Question, That those words be there added,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 16.—Amendment proposed, in page 9, line 3, to leave out the word "second"—(Mr. *Parker Smith*).—Question proposed, That the word "second" stand part of the clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, line 5, after the word "repealed," to insert the words "every nomination paper shall be signed by the candidate nominated or by some person duly authorised in that behalf"—(Mr. *Hozier*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 9, after the word "behalf," at the end of the last Amendment, to insert the words:

"(2) It shall not be necessary to publish the names of candidates for a parish council elsewhere than in the parish, but the returning officer may, if he think it expedient, publish them in any manner in which he publishes the names of candidates for the county council"—(Mr. *Parker Smith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 9, line 9, to leave out the word "Tuesday," and insert the word "Friday"—(Mr. *Parker Smith*).—Question, That the word "Tuesday" stand part of the Clause,—put, and *agreed to.*

Other Amendments made.—Clause, as amended, *agreed to.*

Clause 17.—Amendment proposed, in page 9, line 22, to leave out the words "or adjoining"—(Captain *Hope*).—Question proposed, That the words "or adjoining" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, line 22, to leave out from the word "and" to the word "person" in line 25—(Captain *Sinclair*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, line 24, to leave out from the word "to" to the

word "other" in line 25, and insert the word "some"—(Mr. *Cochrane*).—Question put, That the word "the" stand part of the Clause.—The Committee divided :

Ayes, 33.	Noes, 8.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Campbell.
Mr. Birkmyre.	Mr. Cochrane.
Mr. Buchanan.	Sir Charles Dalrymple.
Mr. Caldwell.	Major Darwin.
Dr. Clark.	Mr. Hozier.
Mr. Donald Crawford.	Mr. Angus Sutherland.
Dr. Farquharson.	Mr. Wason.
Mr. Munro Ferguson.	
Captain Hope.	
Mr. Jacks.	
Mr. Seymour Keay.	
Sir John Kinloch.	
Sir Leonard Lyell.	
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. Maxwell.	
Mr. Napier.	
Mr. Paul.	
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. Robertson.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. J. Parker Smith.	
Sir Mark Stewart.	
Sir George Trevelyan.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. William Whitelaw.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 9, line 24, to leave out the words "inspector of the poor" and insert the words "clerk of the parish council"—(Mr. *Seymour Keay*).—Question put, That the words "inspector of the poor" stand part of the Clause.—The Committee divided :

Ayes, 15.	Noes, 28.
Mr. Baird.	Mr. Anstruther.
Mr. Caldwell.	Mr. Beith.
Sir Charles Dalrymple.	Mr. Buchanan.
Dr. Farquharson.	Mr. Campbell.
Captain Hope.	Dr. Clark.
Mr. Hunter.	Mr. Cochrane.
Mr. Jacks.	Mr. Donald Crawford.
Sir Donald Macfarlane.	Mr. A. Cross.
Mr. Maxwell.	Mr. Dalziel.
Sir Charles Pearson.	Major Darwin.
Mr. Renshaw.	Mr. Munro Ferguson.
Mr. J. Parker Smith.	Mr. Hozier.
Sir Mark Stewart.	Mr. Seymour Keay.
Sir George Trevelyan.	Sir John Kinloch.
Mr. G. A. Whitelaw.	Sir Leonard Lyell.
	Dr. MacGregor.
	Mr. Napier.
	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. William Whitelaw.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Question,

Question, That the words "clerk of the parish council" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 9, line 27, to leave out the words "inspector of the poor of the parish" and insert the words "clerk of the parish council"—(Mr. *Seymour Keay*).—Question, That the words "inspector of the poor of the parish" stand part of the Clause,—put, and *negatived.*

Question, That the words "clerk of the parish council" be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 9, line 29, to leave out the words "in each year"—(Captain *Hope*).—Question proposed, That the words "in each year" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment made.

Another Amendment proposed, in page 9, line 32, to leave out the word "two," and insert the word "five"—(Sir *John Kinloch*).—Question proposed, That the word "two" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 9, line 33, to leave out from the word "entitled" to the word "nominated," in the same line—(Mr. *Parker Smith*).—Question proposed, That the words "entitled to vote" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 18.—An Amendment made.

Another Amendment proposed, in page 10, line 3, to leave out the words "have a casting vote," and insert the words "shall determine by lot which of the candidates shall be elected"—(Mr. *Renshaw*).—Question proposed, That the words "have a casting vote" stand part of the Clause.

[Adjourned to Friday next, at Twelve o'clock.

Friday, 29th June 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. G. Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Sir Charles Dalrymple.
Mr. J. H. Dalziel.
Major Darwin.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Mr. Richard B. Haldane.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. A. Hunter.
Mr. W. Jacks.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Mr. Andrew Graham Murray.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. A. D. Provand.
Mr. C. B. Renshaw.
Mr. E. Robertson.
Mr. T. Shaw.
Mr. M. H. Shaw-Stewart.
Captain J. Sinclair.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Sir George Trevelyan.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. G. A. Whitelaw.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 18, as amended, further considered.

Amendment again proposed, in page 10, line 3, to leave out the words "have a casting vote," and insert the words "shall determine by lot which of the candidates shall be elected"—(Mr. *Renshaw*).—Question put, That the words "have a casting vote" stand part of the Clause.—The Committee divided:—

Ayes, 24.	Noes, 5.
Mr. Anstruther.	Mr. Jacks.
Mr. J. B. Balfour.	Mr. Maxwell.
Mr. Beith.	Sir Charles Pearson.
Commander Bethell.	Mr. Renshaw.
Mr. Caldwell.	Mr. J. Parker Smith.
Sir Charles Cameron.	
Sir James Carmichael.	
Mr. Cochrane.	
Mr. Donald Crawford.	
Sir Charles Dalrymple.	
Major Darwin.	
Mr. Ferguson.	
Mr. Hozier.	
Sir John Leng.	
Sir Leonard Lyell.	
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Wason.	
Mr. John Wilson (Lanark).	

Clause, as amended, *agreed to.*

Clause 19.—Amendment proposed, in page 10, line 4, to leave out from the word "among" to the word "and" in line 7, and insert "persons resident in the parish"—(Captain *Sinclair*).—Question, That the words "among the parish electors" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 10, line 5, to leave out from the word "or" to the word "incapacity" in line 8—(Mr. *Caldwell*).—Question put, That the words "or persons" stand part of the Clause.—The Committee divided:—

Ayes, 9.	Noes, 27.
Sir Charles Cameron.	Mr. Anstruther.
Sir James Carmichael.	Mr. J. B. Balfour.
Dr. Clark.	Mr. Beith.
Mr. J. W. Lowther.	Commander Bethell.
Mr. Paul.	Mr Caldwell.
Mr. Tennant.	Mr. Campbell.
Mr. Wason.	Mr. Cochrane.
Mr. Weir.	Mr. Donald Crawford.
Mr. John Wilson (Lanark).	Sir Charles Dalrymple.
	Major Darwin.
	Mr. Ferguson.
	Captain Hope.
	Mr. Hozier.
	Mr. Jacks.
	Sir John Leng.
	Sir Leonard Lyell.
	Sir Donald Macfarlane.
	Dr. MacGregor.
	Mr. M'Ewan.
	Mr. Maxwell.
	Sir Charles Pearson.
	Mr. Renshaw.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. J. Parker Smith.
	Sir George Trevelyan.
	Mr. G. A. Whitelaw.

Another Amendment proposed, in page 10, line 14, to leave out the word "may" and insert the word "shall"—(Mr. *Cochrane*).—Question proposed, That the word "may" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another

Another Amendment proposed, in page 10, line 14, to leave out the words "with the consent of the board"—(Captain *Hope*).—Question, That the words "with the consent of the board" stand part of the Clause,—put, and *negatived*.

Another Amendment made.

Another Amendment proposed, in page 10, line 18, to leave out the words "include a reference," and insert the word "refer"—(Captain *Hope*).—Question proposed, That the words "include a reference" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 10, line 20, to leave out from the word "The" to the word "three" in line 22, and insert the words "The parish council shall fix its own quorum which shall not be less than three"- (Mr. *Beith*).—Question proposed, That the words "The quorum of a parish council shall be" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 10, line 20, to leave out the words "one-fourth" and insert the words "one-third"—(Mr. *Parker Smith*).—Question proposed, That the words "one-fourth" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 10, line 25, after the word "council" to insert the words "at a meeting called, not less than ten days previously by circular sent to each councillor intimating that such vacancy is to be considered"—(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 10, line 28, to leave out from the word "elect" to the word "vote" in line 29 and insert the words "at the first meeting after their election appoint one of their number to be chairman during the tenure of office of the council, and should the chairman be absent from any meeting of the council the councillors present shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman during the tenure of office of the council it shall be supplied by a new appointment, and at every meeting the chairman shall have a deliberative, as also in cases of equality a casting, vote"—(Mr. *Maxwell*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 10, line 29, after the word "number" to insert the words "to be chairman during the tenure of office of the council"- (Mr. *Maxwell*)—Question put, That those words be there inserted.—The Committee divided:

Ayes, 16.	Noes, 25.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Caldwell.	Mr. Beith.
Mr. Campbell.	Commander Bethell.
Mr. Cochrane.	Mr. Birkmyre.
Major Darwin.	Mr. Buchanan.
Sir James Fergusson.	Sir Charles Cameron.
Captain Hope.	Sir James Carmichael.
Mr. J. W. Lowther.	Dr. Clark.
Mr. Maxwell.	Mr. Donald Crawford.
Mr. Murray.	Mr. Crombie.
Sir Charles Pearson.	Sir Charles Dalrymple.
Mr. Renshaw.	Dr. Farquharson.
Mr. Shaw-Stewart.	Mr. Ferguson.
Mr. J. Parker Smith.	Mr. Haldane.
Mr. G. A. Whitelaw.	Mr. Seymour Keay.
Mr. John Wilson (Lanark).	Sir John Leng.
	Sir Leonard Lyell.
	Dr. MacGregor.
	Mr. Paul.
	Mr. Seton-Karr.
	Mr. T. Shaw.
	Mr. Tennant.
	Sir George Trevelyan.
	Sir William Wedderburn.
	Mr. Weir.

Another Amendment proposed, in page 10, line 29, after the word "number," to leave out the words "who shall have a casting as well as a deliberative vote," and insert the words "and should the chairman be absent from any meeting of the council the councillors present shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman during the tenure of office of the council it shall be supplied by a new appointment, and at every meeting the chairman shall have a deliberative, as also in cases of equality a casting, vote"—(Mr. *Maxwell*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Proposed words there inserted.

Another Amendment proposed, in page 10, line 30, to leave out the words "be not longer than one year," and insert the words "not extend beyond the next statutory meeting after his election"—(Major *Darwin*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Question, That those words be there inserted,—put, and *agreed to*.

Other Amendments made.

Another Amendment proposed, in page 10, line 37, to leave out the word "lot" and insert the word "ballot"—(Dr. *MacGregor*).—Question, That the word "lot" stand part of the Clause, put, and *agreed to*.

Another Amendment proposed, in page 10, line 38, to leave out from the word "A" to the word "occurred" in line 42—(Mr. *Renshaw*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Another Amendment proposed, in page 11, line 2, after the word "council" to insert the words "or on the county council where a county is not divided into districts"—(Mr. *Angus Sutherland*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 11, line 2, to leave out the words "shall be a parish councillor and"—(Captain *Hope*).—Question, That the words "shall be a parish councillor and" stand part of the Clause—put, and *negatived*.

Another Amendment proposed, in page 11, line 3, to leave out the word "annually"—(Mr. *Renshaw*).—Question put, That the word "annually" stand part of the Clause.

Ayes, 19.	Noes, 19.
Mr. Buchanan.	Mr. Anstruther.
Sir Charles Cameron.	Mr. Beith.
Dr. Clark.	Mr. Caldwell.
Mr. Donald Crawford.	Mr. Campbell.
Dr. Farquharson.	Sir James Carmichael.
Mr. Ferguson.	Mr. Cochrane.
Mr. Jacks.	Mr. Cameron Corbett.
Sir Donald Macfarlane.	Sir Charles Dalrymple.
Dr. MacGregor.	Major Darwin.
Mr. Paul.	Sir James Fergusson.
Mr. Power.	Captain Hope.
Mr. Provand.	Mr. Hozier.
Mr. Robertson.	Sir Leonard Lyell.
Mr. T. Shaw.	Mr. Maxwell.
Mr. Angus Sutherland.	Mr. Murray.
Sir George Trevelyan.	Sir Charles Pearson.
Mr. Wason.	Mr. Renshaw.
Sir William Wedderburn.	Mr. J. Parker Smith.
Mr. Weir.	Mr. John Wilson (Lanark).

Whereupon the Chairman declared himself with the Ayes.

Another Amendment proposed, in page 11, line 3, to leave out the word "December," and insert the word "April"—(Mr. *Caldwell*).—Question proposed, That the word "December" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Other Amendments made.

Another Amendment proposed, in page 11, after the word "number," at the end of the last amendment, to add the words "provided always that in the case of parishes partly landward and partly burghal he shall be appointed by the landward committee from among their own number"—(Captain *Hope*)—Question put, That those words be there added.

Ayes, 15.	Noes, 24.
Mr. Campbell.	Mr. J. B. Balfour.
Mr. Cochrane.	Mr. Beith.
Mr. Cameron Corbett.	Mr. Birkmyre.
Sir Charles Dalrymple.	Mr. Buchanan.
Major Darwin.	Mr. Caldwell.
Sir James Fergusson.	Sir Charles Cameron.
Captain Hope.	Sir James Carmichael.
Mr. Hozier.	Sir Donald Crawford.
Mr. Maxwell.	Dr. Farquharson.
Mr. Murray.	Mr. Seymour Keay.
Sir Charles Pearson.	Sir Leonard Lyell.
Mr. Renshaw.	Sir Donald Macfarlane.
Mr. J. Parker Smith.	Dr. MacGregor.

Mr.

Ayes—*continued.*

Mr. G. A Whitelaw.
Viscount Wolmer.

Noes—*continued.*

Mr. Paul.
Mr. Power.
Mr. Provand.
Mr. Robertson.
Mr. T. Shaw.
Mr. Angus Sutherland.
Sir George Trevelyan.
Mr. Wason.
Sir William Wedderburn.
Mr. Weir.
Mr. John Wilson (Lanark).

Clause, as amended, *agreed to.*

Clause 20.—Amendment proposed, in page 11, line 5, after the word "he" to insert the words: "has within five years before his election, or since his election, been convicted, either on indictment or summarily, of any crime or offence, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has within or during the time aforesaid been adjudged a bankrupt, or made a composition or arrangement with his creditors"—(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 11, line 12, after the word "only" to insert the words "of his being sole proprietor of land or water to be compulsorily taken under the terms and for the purposes of this Act, or"—(Mr. *Renshaw*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 11, line 14, after the word "land" to insert the words "or water, or right of water supply"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 11, line 26, after the words "1890" to insert the words:

"(h) or in any sale of materials for making or repairing highways"—(Mr. *Cochrane*). Question, That those words be there inserted,—put, and *negatived.*

Another Amendment made.

Another Amendment proposed, in page 11, line 28, to leave out from the word "or" to the word "council," in line 30—(Mr. *Renshaw*).—Question, That the words "or for being appointed" stand part of the Clause,—put, and *agreed to.*

Another Amendment made.

Clause, as amended, *agreed to.*

Clauses 21—22 *agreed to.*

Clause 23.—Amendments made.

Another Amendment proposed, in page 12, line 33, after the word "council" to insert the words:

"Provided that where, in terms of Section nine of this Act, a landward committee would consist of less than five members, the board may, if they deem it expedient with a view to the proper transaction of business, by order provide for the election, along with, and subject to the same provisions as, the election of parish councillors, of such additional number of members of such landward committee as shall be named in the order. In such case, if the election of the landward committee takes place according to parish wards, at least one member shall be added for each ward. Such landward committee, as increased, shall appoint to the parish council the requisite number of parish councillors, as determined in terms of Section nine of this Act"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 12, after the word "Act" at the end of the last Amendment, to insert the words:—

"(4) The provisions contained in the nineteenth section of this Act with regard to the summoning notice, time, place, and management of meetings, to the conduct of business generally, to the appointment of a clerk, to the quorum, to the chairman, shall apply to the landward committee as if it were the parish council; except that, if the chairman of the parish council represents a burghal part of the parish, the landward committee may nevertheless elect him to be their chairman, and, if so elected, he shall be a member of the landward committee"—(Major *Darwin*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 12, after the word "Act" at the end of the last Amendment, to insert the words "Provided that, in the event of a new police burgh being

formed in a county district, the property within the burgh shall remain liable for the due proportion of the expense incurred for the erection and maintenance of hospitals"—(Mr. *Cochrane*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 12, line 36, after the word "council," to insert the words "The proceedings of the landward committee shall be such as the committee may from time to time direct, and they shall appoint their chairman and the quorum shall not be less than three"—(Sir *George Trevelyan*).—Question proposed, That those words be there inserted.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 3rd July 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell..
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. J. A. Campbell.
Sir James Carmichael.
Mr. Cayzer.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Sir Donald Currie.
Sir Charles Dalrymple.
Major Darwin.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. Jeffreys.
Mr. J. Seymour Keay.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. Power.
Mr. A. D. Provand.
Mr. R. T. Reid.
Mr. C. B. Renshaw.
Mr. T. Shaw.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Sir George Trevelyan.
Mr. E. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 23, as amended, further considered.

Amendment again proposed, in page 12, line 36, after the word "council," to insert the words, "The procedure of the landward committee shall be such as the committee may from time to time direct, and they shall appoint their chairman, and the quorum shall not be less than three"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in page 12, at the end of the last amendment, after the word "three," to insert the words, "The committee shall be entitled to use, for the performance of their official duties, subject to such regulations as may be made by the parish council, any offices heretofore belonging to the parochial board, or which may be provided in the future by the parish council"—(Captain *Hope*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 17.	Noes, 22.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Beith.	Mr. Birkmyre.
Commander Bethell.	Mr. Buchanan.
Mr. Birrell.	Mr. Caldwell.
Mr. Campbell.	Sir James Carmichael.

Mr

Ayes—*continued.*	Noes—*continued.*
Mr. Cayzer.	Mr. Donald Crawford.
Mr. Cochrane.	Dr. Farquharson.
Sir Charles Dalrymple.	Mr. Ferguson.
Major Darwin.	Mr. Seymour Keay.
Captain Hope.	Sir John Leng.
Mr. Hozier.	Sir Donald Macfarlane.
Dr. MacGregor.	Mr. M'Ewan.
Mr. Maxwell.	Mr. Napier.
Sir Charles Pearson.	Mr. Paul.
Mr. Renshaw.	Mr. T. Shaw.
Mr. J. Parker Smith.	Captain John Sinclair.
Viscount Wolmer.	Mr. H. Smith.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. John Wilson (Lanark).

Another Amendment made.

Clause, as amended, *agreed to.*

Clause 24.—Amendment proposed, in page 13, line 9, after the word "offices," to insert the words, "cottages for the reception of paupers"—(Dr. *Farquharson*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 13, line 10, after the word "purposes," to insert the words, "connected with the powers and duties of the parish council"—(Major *Darwin*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 17.	Noes, 29.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Campbell.	Mr. Beith.
Mr. Cayzer.	Mr. Birkmyre.
Mr. Cochrane.	Mr. Birrell.
Sir Donald Currie.	Mr. Buchanan.
Sir Charles Dalrymple.	Mr. Caldwell.
Major Darwin.	Sir James Carmichael.
Sir James Fergusson.	Mr. Cameron Corbett.
Captain Hope.	Mr. Donald Crawford.
Mr. Hozier.	Dr. Farquharson.
Mr. J. W. Lowther.	Mr. Ferguson.
Mr. Maxwell.	Mr. Seymour Keay.
Mr. Murray.	Sir John Leng.
Sir Charles Pearson.	Sir Donald Macfarlane.
Mr. Renshaw.	Dr. MacGregor.
Mr. J. Parker Smith.	Mr. M'Ewan.
Viscount Wolmer.	Mr. Napier.
	Mr. Paul.
	Mr. Provand.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 13, line 10, after the word "and," to insert the words "to provide or acquire land for such buildings and"—(Mr. *Parker Smith*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 13, line 11, to leave out from the word "subject," to the word "council," in line 12—(Mr. *Seymour Keay*).—Question, That the words "subject to the consent," stand part of the Clause,—put, and *negatived.*

Other Amendments made.

Another Amendment proposed, in page 13, at the end of the last Amendment, after the word "and," to insert the words—

"(b) to provide and acquire land for allotments, and the parish council shall be the local authority for the purposes of 'The Allotments (Scotland) Act, 1892,' and"—(Mr. *Buchanan*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, at the end of the last Amendment, after the word "and," to insert the words "to provide or acquire land for the erection of workmen's dwellings and"—(Mr. *Seymour Keay*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 27.	Noes, 15.
Mr. Beith.	Mr. Anstruther.
Mr. Birkmyre.	Mr. J. B. Balfour.
Mr. Birrell.	Commander Bethell.
Mr. Buchanan.	Mr. Campbell.
Mr. Caldwell.	Sir Charles Dalrymple.
Sir James Carmichael.	Captain Hope.
Dr. Clark.	Mr. Hozier.
Mr. Cochrane.	Mr. Jeffreys.
Mr. Donald Crawford.	Mr. J. W. Lowther.
Mr. Crombie.	Mr. Maxwell.
Dr. Farquharson.	Mr. Murray.
Mr. Seymour Keay.	Sir Charles Pearson.
Sir John Leng.	Mr. Renshaw.
Sir Leonard Lyell.	Mr. T. Shaw.
Sir Donald Macfarlane.	Sir George Trevelyan.
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Napier.	
Mr Paul.	
Mr. Power.	
Captain John Sinclair.	
Mr. Angus Sutherland.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 13, at the end of the last Amendment, after the word "and" to insert the words "to lease or feu the same"—(Mr. *Caldwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, at the end of the last Amendment, after the word "and," to insert the words, "if necessary, land for the building of dwelling houses and offices for public officials, whether appointed by the Crown or by the parish or county councils"—(Dr. *MacGregor*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, at the end of the last Amendment, after the word "and," to insert the words "to take over all the duties and powers of kirk sessions with regard to churchyards"—(Mr. *Angus Sutherland*).—Question proposed, That those words be there inserted.

Amendment proposed, to the proposed Amendment, after the word "of," to insert the words "heritors and"—(Sir *John Leng*).—Question proposed, That those words be inserted in the proposed Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn*.—Proposed Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, line 17, after the word "acquire" to leave out the words "by agreement"—(Mr. *Buchanan*).—Question put, That the words "by agreement" stand part of the Clause.—The Committee divided:

Ayes, 20.	Noes. 14.
Mr. Anstruther.	Mr. Birkmyre.
Mr. J. B. Balfour.	Mr. Buchanan.
Mr. Beith.	Mr. Caldwell.
Mr. Campbell.	Sir James Carmichael.
Mr. Cochrane.	Dr. Clark.
Sir Donald Currie.	Mr. Dunn.
Mr. Fergusson.	Dr. Farquharson.
Captain Hope.	Mr. Seymour Keay.
Mr. Hozier.	Sir John Leng.

Sir

Ayes—*continued.*	Noes—*continued.*
Sir Leonard Lyell.	Dr. MacGregor.
Mr. M'Ewan.	Mr. Napier.
Mr. Maxwell.	Mr. Angus Sutherland.
Mr. Murray.	Sir William Wedderburn.
Mr. Paul.	Mr. Weir.
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. T. Shaw.	
Sir Mark Stewart.	
Sir George Trevelyan.	
Mr. Wason.	

[Adjourned till Friday next, at Twelve o'clock.

Friday, 6th July 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.	Sir Donald Macfarlane.
Mr. J. G. A. Baird.	Dr. D. MacGregor.
Mr. J. B. Balfour.	Mr. William M'Ewan.
Mr. G. Beith.	Mr. W. J. Maxwell.
Commander Bethell.	Sir Herbert Maxwell.
Mr. W. Birkmyre.	Mr. Andrew Graham Murray.
Mr. T. R. Buchanan.	Mr. M. Napier.
Mr. Caldwell.	Sir Stafford Northcote.
Sir Charles Cameron.	Mr. H. W. Paul.
Mr. J. A. Campbell.	Sir Charles Pearson.
Sir James Carmichael.	Mr. Power.
Dr. G. B. Clark.	Mr. A. D. Provand.
Mr. T. H. Cochrane.	Mr. C. B. Renshaw.
Mr. A. Cameron Corbett.	Mr. E. Robertson.
Mr. D. Crawford.	Mr. T. Shaw.
Sir Donald Currie.	Captain J. Sinclair.
Sir Charles Dalrymple.	Mr. James Parker Smith.
Major Darwin.	Sir Mark Stewart.
Mr. W. Dunn.	Mr. Angus Sutherland.
Dr. Farquharson.	Mr. H. J. Tennant.
Mr. R. C. Munro Ferguson.	Sir George Trevelyan.
Sir James Fergusson.	Mr. R. Wallace.
Captain Hope.	Sir William Wedderburn.
Mr. Seton-Karr.	Mr. J. G. Weir.
Mr. J. Seymour Keay.	Mr. G. A. Whitelaw.
Sir John Leng.	Mr. Stephen Williamson.
Mr. J. W. Lowther.	Mr. John Wilson (Lanark).
Sir Leonard Lyell.	Viscount Wolmer.

Clause 24, as amended, further considered.

Another Amendment proposed, in page 13, line 20, after the word "and," to insert the words "subject to the control of the county council, to maintain, regulate, and acquire any public right to fish with rod or line in the burns, streams, rivers, and natural lochs within the area of the parish, and"—(Sir *William Wedderburn*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, line 20, after the word "and," to insert the words—

"(e) to fix and from time to time to vary such public holidays or half-holidays as may seem to them expedient; and"—(Mr. *Buchanan*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment made.

Another Amendment proposed, in page 13, line 35, to leave out the words "in the case of property which has been acquired at the expense of any rate"—(Major *Darwin*).—Question,

That the words "in the case of property which has been" stand part of the Clause,—put, and *negatived*.

Another Amendment made.

Another Amendment proposed, in page 13, line 42, to leave out from the word "and," to the word "Act," in line 43—(Captain *Hope*).—Question put, That the words "and upon a county council" stand part of the Clause.—The Committee divided:

Ayes, 27.	Noes, 18.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Commander Bethell.
Mr. Buchanan.	Mr. Campbell.
Mr. Caldwell.	Mr. Cochrane.
Sir James Carmichael.	Sir Donald Currie.
Dr. Clark.	Sir Charles Dalrymple.
Mr. Dunn.	Major Darwin.
Dr. Farquharson.	Sir James Fergusson.
Mr. Ferguson.	Captain Hope.
Mr. Seymour Keay.	Mr. J. W. Lowther.
Sir John Leng.	Mr. Maxwell.
Sir Leonard Lyell.	Mr. Murray.
Dr. MacGregor.	Sir Charles Pearson.
Mr. M'Ewan.	Mr. Renshaw.
Mr. Napier.	Mr. Seton-Karr.
Mr. Paul.	Mr. J. Parker Smith.
Mr. Robertson.	Mr. G. A. Whitelaw.
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Sir George Trevelyan.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment made.

Another Amendment proposed, in page 13, line 43, after the word "Act" at the end of the Clause, to add the words—

"A parish council shall have the same power of making a representation with respect to allotments as is conferred on parliamentary electors by 'The Allotments (Scotland) Act 1892.'

"After a parish council is elected for any parish, the powers and duties of allotment managers under 'The Allotments (Scotland) Act 1892,' shall be exercised and performed by the parish council, and they shall not be subject to removal under the provisions of the said Act" —(Mr. *Shaw*).—Question, That those words be there added—put, and *agreed to*.

Another Amendment proposed, in page 13, line 43, after the word "Act" at the end of the last Amendment, to add the words—

"It shall be the duty of the parish council to draw the attention of the assessor to the estimated value of any lands or heritages, as shown in the last valuation roll for the parish, if such estimate does not, in their opinion, represent the true value of the said lands or heritages, and the assessor in making up the subsequent valuation roll shall give due consideration to such representation. In the event of the parish council being dissatisfied with the decision of the assessor, the parish council shall be entitled to the same appeals as are granted to proprietors, tenants, or occupiers by the Act of the seventeenth and eighteenth years Victoria, chapter ninety-one."—(Sir *William Wedderburn*).—Question proposed, That those words be there added.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 13, line 43, after the word "Act" at the end of the last Amendment, to add the words—

"A parish council shall have the power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by 'The Housing of the Working Classes Act 1890.'"—(Mr. *Buchanan*).—Question, That those words be there added,—put, and *agreed to*.

Clause, as amended, *agreed to*.

Clause 25.—Amendment proposed, in page 14, line 4, after the word "agreement," to insert the words "and 'The Small Holdings Act 1892, shall be incorporated with this Act, and shall apply

apply as if it were herein re-enacted, with the substitution of parish council for county council and with the other necessary modifications"—(Mr. *Seymour Keay*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 14, line 14, after the word "publish," to insert the words "once in the 'Edinburgh Gazette' and"—(Mr. *Parker Smith*).—Question, That those words be there inserted—put, and *negatived*.

Another Amendment proposed, in page 14, line 20, to leave out from the word "cause," to the word "be," in line 21, and insert the words "apply by summary petition to the sheriff to hold a public inquiry in the parish, and the sheriff shall thereupon hold a public inquiry, and he shall be entitled to summon such witnesses as he shall think proper, and examine them on oath, and to call for the production of books, documents, and accounts, and shall keep a note of such evidence as may be adduced: Provided always, that notice shall have been"—(Mr. *Maxwell*).—Question put, That the words "cause public inquiry to be made in the parish" stand part of the clause.—The Committee divided:

Ayes, 28.	Noes, 18.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Mr. G. Balfour.
Mr. Buchanan.	Mr. Campbell.
Mr. Caldwell.	Mr. Cochrane.
Sir Charles Cameron.	Mr. Cameron Corbett.
Dr. Clark.	Sir Donald Currie.
Mr. Dunn.	Sir Charles Dalrymple.
Mr. Ferguson.	Sir James Fergusson.
Mr. Seymour Keay.	Mr. J. W. Lowther.
Sir John Leng.	Mr. Maxwell.
Sir Leonard Lyell.	Mr. Murray.
Sir Donald Macfarlane.	Sir Stafford Northcote.
Dr. MacGregor.	Sir Charles Pearson.
Mr. M'Ewan.	Mr. Renshaw.
Mr. Napier.	Mr. J. Parker Smith.
Mr. Paul.	Sir Mark Stewart.
Mr. Power.	Mr. G. A. Whitelaw.
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

An Amendment made.

Another Amendment proposed, in page 15, line 20, to leave out from the word "and" to the word "with" in line 23—(Mr. *Graham Murray*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 15, line 22, to leave out the words "and is within the powers conferred by this Act"—(Mr. *Graham Murray*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 28.	Noes, 17.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Mr. G. Balfour.
Mr. Buchanan.	Mr. Campbell.
Mr. Caldwell.	Mr. Cochrane.
Sir Charles Cameron.	Mr. Cameron Corbett.
Sir James Carmichael.	Sir Donald Currie.
Mr. Donald Crawford.	Sir Charles Dalrymple.
Mr. Dunn.	Sir James Fergusson.
Mr. Ferguson.	Captain Hope.
Mr. Seymour Keay.	Mr. Maxwell.
Sir John Leng.	Mr. Murray.
Sir Leonard Lyell.	Sir Charles Pearson.
Dr. MacGregor.	Mr. Renshaw.

Ayes—*continued.*	Noes—*continued.*
Mr. M'Ewan.	Mr. J. Parker Smith.
Mr. Napier.	Sir Mark Stewart.
Mr. Paul.	Mr. G. A. Whitelaw.
Mr. Power.	
Mr. Robertson.	
Mr. T. Shaw.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 15, line 28, after the word "shall," to insert the words "before he enters on the execution of his duties take an oath *de fideli administratione officii*, which oath may be administered to him by any member of the board, or by any one of the judges of the Court of Session, or by the sheriff of any county, and it shall not be necessary to notify the appointment of any such person, otherwise than by intimating the same by letter under the hand of the secretary or of any member of the board to the sheriff of the county within which the inquiry in question is to be held and"—(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 15, line 41, after the word "sections," to insert the words "six and"—(Mr. *Graham Murray*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 15, line 41, after the word "sections," to insert the words "sixty to sixty-five (both inclusive) and"—(Sir *Charles Pearson*).—Question proposed, That those words be there inserted.

[Adjourned till Tuesday next at Twelve o'clock.

Tuesday, 10*th July* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.	Sir Donald Macfarlane.
Mr. J. G. A. Baird.	Dr. D. MacGregor.
Mr. J. B. Balfour.	Mr. William M'Ewan.
Mr. G. Beith.	Mr. W. J. Maxwell.
Commander Bethell.	Sir Herbert Maxwell.
Mr. W. Birkmyre.	Mr. Andrew Graham Murray.
Mr. T. R. Buchanan.	Mr. M. Napier.
Mr. Caldwell.	Sir Stafford Northcote.
Sir Charles Cameron.	Mr. H. W. Paul.
Mr. J. A. Campbell.	Sir Charles Pearson.
Sir James Carmichael.	Mr. A. D. Provand.
Mr. Cayzer.	Mr. R. T. Reid.
Dr. G. B. Clark.	Mr. C. B. Renshaw.
Mr. A. Cameron Corbett.	Mr. E. Robertson.
Mr. D. Crawford.	Mr. T. W. Russell.
Mr. J. W. Crombie.	Mr. T. Shaw.
Sir Donald Currie.	Mr. Shaw-Stewart.
Sir Charles Dalrymple.	Captain J. Sinclair.
Major Darwin.	Mr. H. Smith.
Mr. J. H. Dalziel.	Mr. James Parker Smith.
Mr. W. Dunn.	Sir Mark Stewart.
Dr. Farquharson.	Mr. Angus Sutherland.
Mr. R. C. Munro Ferguson.	Mr. H. J. Tennant.
Sir James Fergusson.	Mr. W. Thorburn.
Mr. Hozier.	Sir George Trevelyan.
Mr. Hunter.	Mr. Wason.
Mr. Jacks.	Sir William Wedderburn.
Mr. Jeffreys.	Mr. J. G. Weir.
Mr. J. Seymour Keay.	Mr. G. A. Whitelaw.
Sir John Kinloch.	Mr. Stephen Williamson.
Sir John Leng.	Mr. John Wilson (Lanark).
Mr. J. W. Lowther.	Viscount Wolmer.

Clause

Clause 25, as amended, further considered.

Amendment again proposed, in page 15, line 41, after the word "Sections," to insert the words "sixty to sixty-five (both inclusive) and"—(Sir *Charles Pearson*). —Question put, That those words be there inserted.—The Committee divided:

Ayes, 17.	Noes, 23.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Baird.	Mr. Beith.
Commander Bethell.	Mr. Caldwell.
Mr. Campbell.	Sir Charles Cameron.
Major Darwin.	Dr. Clark.
Sir James Fergusson.	Mr. Dalziel.
Mr. Hozier.	Dr. Farquharson.
Mr. Jeffreys.	Mr. Ferguson.
Mr. Maxwell.	Mr. Hunter.
Sir Herbert Maxwell.	Mr. Jacks.
Sir Stafford Northcote.	Mr. Seymour Keay.
Sir Charles Pearson.	Sir John Kinloch.
Mr. Renshaw.	Sir John Leng.
Mr. Shaw-Stewart.	Sir Donald Macfarlane.
Mr. James Parker Smith.	Dr. MacGregor.
Mr. Thorburn.	Mr. Napier.
Mr. G. A. Whitelaw.	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Wason.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 16, line 3, after the word "compensation," to insert the words "where the amount claimed is less than five hundred pounds"—(Mr. *James Parker Smith*).—Question proposed, "That those words be there inserted."—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 16, line 13, to leave out the words "the amount," and insert the words "all questions"—(Mr. *Caldwell*).—Question proposed, "That the words 'the amount' stand part of the Clause."—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 16, line 17, after the word "allowance," to insert the words "in respect of the prospective value of the land or"—(Mr. *Seymour Keay*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 16, line 18, after the word "compulsory," to insert the words—"(c) Where the parish council or the county council, as the case may be, before the appointment of an arbiter, has made in writing a pecuniary tender for any land which the parish council may desire to acquire, and the arbiter awards the same sum or a less sum than shall have been so tendered, then in such case the arbiter may decern for the expenses of the arbitration and incidental expenses against the owner of such land."—(Mr. *Caldwell*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 16, lines 22–23, to leave out the words "but shall not except with consent of the Board hear"—(Mr. *Graham Murray*).—Question proposed, That the words "but shall not except with consent of the" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 16, line 23, to leave out the words "or expert witnesses"—(Mr. *Graham Murray*).—Question put, That the words "or expert witnesses" stand part of the Clause.—The Committee divided:

Ayes, 36.	Noes, 18.
Mr. Baird.	Mr. Anstruther.
Mr. J. B. Balfour.	Mr. Caldwell.
Mr. Beith.	Mr. Campbell.
Commander Bethell.	Mr. Cayzer.
Mr. Birkmyre.	Sir Donald Currie.
Mr. Buchanan.	Sir Charles Dalrymple.
Sir Charles Cameron.	Sir James Fergusson.
Sir James Carmichael.	Mr. Hozier.
Dr. Clark.	Mr. Jeffreys.
Mr. Dalziel.	Mr. J. W. Lowther.
Major Darwin.	Mr. Maxwell.

Ayes—*continued.*	Noes—*continued.*
Mr. Dunn.	Mr. Murray.
Dr. Farquharson.	Sir Stafford Northcote.
Mr. Ferguson.	Sir Charles Pearson.
Mr. Hunter.	Mr. Renshaw.
Mr. Seymour Keay.	Mr. James Parker Smith.
Sir John Kinloch.	Mr. G. A. Whitelaw.
Sir John Leng.	Mr. Stephen Williamson.
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. M'Ewan.	
Sir Herbert Maxwell.	
Mr. Paul.	
Mr. Provand.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Sir Mark Stewart.	
Mr. Angus Sutherland.	
Mr. Tennant.	
Mr. Thorburn.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 16, line 30, after the second word "any," to insert the words "market garden, fruit garden, or"—(Mr. *Graham Murray*).—Question put, that those words be there inserted.—The Committee divided:

Ayes, 9.	Noes, 38.
Mr. Anstruther.	Mr. Baird.
Mr. Hozier.	Mr. J. B. Balfour.
Mr. J. W. Lowther.	Mr. Beith.
Mr. Maxwell.	Commander Bethell.
Mr. Murray.	Mr. Birkmyre.
Sir Charles Pearson.	Mr. Buchanan.
Mr. Renshaw.	Mr. Caldwell.
Mr. James Parker Smith.	Sir Charles Cameron.
Mr. G. A. Whitelaw.	Mr. Campbell.
	Sir James Carmichael.
	Dr. Clark.
	Sir Donald Currie.
	Sir Charles Dalrymple.
	Mr. Dalziel.
	Mr. Dunn.
	Dr. Farquharson.
	Mr. Ferguson.
	Mr. Hunter.
	Mr. Seymour Keay.
	Sir John Kinloch.
	Sir John Leng.
	Dr. MacGregor.
	Mr. M'Ewan.
	Sir Stafford Northcote.
	Mr. Paul.
	Mr. Provand.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Sir Mark Stewart.
	Mr. Angus Sutherland.
	Mr. Tennant.
	Mr. Thorburn.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 16, line 34, after the word "undertaking," to insert the words "or any land which is managed under the provisions of an Act of Parliament"—(Mr.

—(Mr. *Graham Murray*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 13.	Noes, 26.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Caldwell.	Mr. Beith.
Mr. Campbell.	Mr. Buchanan.
Sir Donald Currie.	Sir Charles Cameron.
Sir Charles Dalrymple.	Dr. Clark.
Major Darwin.	Mr. Donald Crawford.
Mr. J. W. Lowther.	Mr. Dunn.
Mr. Maxwell.	Dr. Farquharson.
Mr. Murray.	Mr. Ferguson.
Sir Charles Pearson.	Mr. Hunter.
Mr. Renshaw.	Mr. Seymour Keay.
Sir Mark Stewart.	Sir John Kinloch.
Viscount Wolmer.	Sir John Leng.
	Dr. MacGregor.
	Mr. M'Ewan.
	Mr. Paul.
	Mr. Provand.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Wason.
	Mr. Weir.
	Mr. John Wilson (Lanark).

Clause, as amended, *agreed to.*

Clause 26.—Amendment proposed, in page 17, line 6, after the first word "allotments," to insert the words "or for common pasture not exceeding twenty acres in extent"—(Mr. *Maxwell*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in page 17, line 12, to leave out the word "fourteen," and insert the word "ten"—(Mr. *Renshaw*).—Question, that the word "fourteen" stand part of the Clause,—put, and *negatived.*—Question, That the word "ten" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 17, line 13, to leave out the words "thirty-five." and insert the words "twenty-one"—(Mr. *Renshaw*).—Question, That the words "thirty-five" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 17, line 13, to leave out the words "or near"—(Mr. *Maxwell*).—Question proposed, That the words "or near" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 17, line 20, to leave out from the word "A" to the word "compulsory," in line 34—(Mr. *Graham Murray*).—Question proposed, That the words "A single arbiter" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 18, line 4, after the word "council," to insert the words—"and any person interested shall at all reasonable times be at liberty to inspect the same, and to take copies thereof."—(Mr. *Maxwell*).—Question, That those words be there inserted—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 18, line 11, to leave out from the word "but" to the word "pasture," in line 13—(Mr. *Seymour Keay*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 18, line 13, after the word "pasture," to insert the words "or of 4*l.* in annual value"—(Dr. *Clark*)—Question, That those words be inserted,—put, and *agreed to.*

Another Amendment proposed, in page 18, line 14, after the word "allotment," to insert the words "a suitable dwelling for the occupier and"—(Mr. *Seymour Keay*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 18, line 23, after the word "depreciation," to insert the words "but such compensation shall be assessed in accordance with the provisions of 'The

Agricultural Holdings (Scotland) Act 1883,"—(Mr. *James Parker Smith*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 18.	Noes, 27.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Baird.	Mr. Beith.
Mr. Campbell.	Mr. Birkmyre.
Mr. Cayzer.	Mr. Buchanan.
Mr. Cameron Corbett.	Mr. Caldwell.
Sir Donald Currie.	Sir Charles Cameron.
Sir Charles Dalrymple.	Sir James Carmichael.
Major Darwin.	Dr. Clark.
Sir James Fergusson.	Mr. Crombie.
Mr. Hozier.	Mr. Dalziel.
Mr. J. W. Lowther.	Mr. Dunn.
Mr. Maxwell.	Mr. Hunter.
Sir Herbert Maxwell.	Mr. Seymour Keay.
Sir Charles Pearson.	Sir John Kinloch.
Mr. Renshaw.	Sir Donald Macfarlane.
Mr. James Parker Smith.	Dr. MacGregor.
Mr. Thorburn.	Mr. M'Ewan.
Mr. G. A. Whitelaw.	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. Angus Sutherland.
	Mr. Tennant.
	Sir George Trevelyan.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 18, line 23, after the word "depreciation" to insert the words—

"Provided always, that prior to such arbitration the proprietor shall be entitled to require the removal of any erections permitted under sub-section (5) (b) of this section."—(Mr. *Maxwell*).—Question, That those words be there inserted—put, and *negatived*.

Another Amendment proposed, in page 18, line 33, after the word "any" to insert the word "stone"—(Sir *Donald Currie*).—Question, that the word "stone" be there inserted—put, and *agreed to*.

Another Amendment proposed, in page 18, line 35, after the words "1892," to insert the words "or which forms part of any existing farm or other holding, the annual value of which as appearing in the valuation roll does not exceed one hundred pounds, except with the consent in writing of the owner and occupier"—(Mr. *Maxwell*).—Question, That those words be there inserted—put, and *negatived*.

Another Amendment proposed, in page 18, line 35, after the words "1892," to insert the words "or under 'The Crofters' Holdings Act, 1886,' or any Act amending the same"—(Mr. *Angus Sutherland*).—Question, That those words be there inserted—put, and *agreed to*.

Another Amendment proposed, in page 18, line 41, after the word "winning," to insert the words "or for feuing"—(Mr. *James Parker Smith*).—Question put, That those words be there inserted,—The Committee divided:

Ayes, 17.	Noes, 26.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Baird.	Mr. Beith.
Mr. Campbell.	Mr. Buchanan.
Mr. Cayzer.	Mr. Caldwell.
Mr. Cameron Corbett.	Sir Charles Cameron.
Sir Charles Dalrymple.	Sir James Carmichael.
Sir James Fergusson.	Mr. Donald Crawford.
Mr. Hozier.	Mr. Dalziel.
Mr. J. W. Lowther.	Major Darwin.
Mr. Maxwell.	Mr. Dunn.
Mr. Murray.	Mr. Ferguson.
Sir Charles Pearson.	Mr. Hunter.
Mr. Renshaw.	Sir John Kinloch.
Mr. James Parker Smith.	Sir John Leng.
Sir Mark Stewart.	Dr. MacGregor.
Mr. Thorburn.	Mr. M'Ewan.

Mr.

Ayes—*continued.*	Noes—*continued.*
Mr. G. A. Whitelaw.	Sir Herbert Maxwell.
	Mr. Paul.
	Mr. T. Shaw.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Clause, as amended, *agreed to.*

Clause 27.—Amendment proposed, in page 19, line 14, to leave out the words "any one or more of"—(Mr. *Renshaw*).—Question, That the words "any one or more of" stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 19, line 17, after the word "rate," to insert the words "not exceeding sixpence in the pound on the rateable value of the parish"—(Mr. *Anstruther*). —Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 19, line 17, after the word "rate," to insert the words "not exceeding sixpence in the pound on the annual value of the land and heritages within such parish, as ascertained for the purposes of 'The Poor Law (Scotland) Act, 1845.'" —(Sir *George Trevelyan*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 36.	Noes, 7.
Mr. Anstruther.	Mr. Buchanan.
Mr. Baird.	Mr. Caldwell.
Mr. J. B. Balfour.	Mr. Hunter.
Mr. Beith.	Sir John Leng.
Mr. Birkmyre.	Dr. MacGregor.
Sir Charles Cameron.	Mr. Angus Sutherland.
Mr. Campbell.	Mr. Weir.
Sir James Carmichael.	
Mr. Cayzer.	
Mr. Donald Crawford.	
Sir Charles Dalrymple.	
Major Darwin.	
Mr. Dunn.	
Dr. Farquharson.	
Mr. Munro Ferguson.	
Sir James Fergusson.	
Mr. Hozier.	
Sir John Kinloch.	
Mr. J. W. Lowther.	
Mr. M'Ewan.	
Mr. Maxwell.	
Sir Herbert Maxwell.	
Mr. Murray.	
Mr. Paul.	
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. T. Shaw.	
Mr. James Parker Smith.	
Sir Mark Stewart.	
Mr. Thorburn.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. G. A. Whitelaw.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another Amendment proposed, in page 19, line 19, after the word "rate," to insert the word "which may include a sum for the remuneration of the services of a medical man who shall reside in the district"—(Dr. *MacGregor*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 19, line 23, after the word "demanded," to insert the words—

"Provided that, in parishes where no poor rate is levied, or where the poor rate is imposed according to the provisions of a local Act, or according to established usage, such special parish rate shall be levied according to the mode of assessment specified in Section thirty-four of

'The Poor Law (Scotland) Act 1845.'"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 19, line 28, to leave out from the word "amount" to the word "be," in line 31, and insert the words "special rate, if any, required to be levied to meet their expenditure; and the parish council shall cause such rate to be levied within the landward part of the parish, and shall, as soon as may be, pay to the landward committee the produce of such rate"—(Major *Darwin*).—Question proposed, That the words proposed to be left out stand part of the Clause.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 13*th July* 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Sir Charles Cameron.
Mr. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. Clark.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Major Darwin.
Mr. J. H. Dalziel.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. Hozier.
Mr. Hunter.
Mr. Jacks.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. R. T. Reid.
Mr. C. B. Renshaw.
Mr. T. Shaw.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. W. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 27, as amended, further considered.

Amendment again proposed, in page 19, line 28, to leave out from the word "amount" to the word "be" in line 31, and insert the words "special rate, if any, required to be levied to meet their expenditure; and the parish council shall cause such rate to be levied within the landward part of the parish, and shall, as soon as may be, pay to the landward committee the produce of such rate"—(Major *Darwin*).—Question proposed, That the words "amount, if any, required to be provided by means of a special parish rate" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 19, line 29, to leave out the words "as soon as may be," and insert the words "on or before the thirty-first day of January"—(Mr. *Renshaw*).—Question proposed, That the words "as soon as may be" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment made.

Another

Another Amendment proposed, in page 19, line 30, after the word "amount," to insert the words "without any deduction on account of the cost of levying and collecting such amount" —(Mr. *Maxwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 28.—Amendments made.

Another Amendment proposed, in page 20, line 7, after the word "rate" to insert the words "and shall not exceed one-fifth of the annual value of the lands and heritages within such parish"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment made.

Another Amendment proposed, in page 20, line 23, to leave out the words "Secretary for Scotland," and insert the word "board"—(Mr. *Maxwell*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 29 *disagreed to*.

Clause 30.—Amendment proposed, in page 20, line 32, after the word "property," to insert the words "wholly or mainly"—(Sir *Charles Pearson*).—Question, That those words be there inserted,—put, and *agreed to*.

Other Amendments made.

Another Amendment proposed, in page 21, line 4, to leave out from the word "In" to the word "case" in line 9—(Sir *Charles Pearson*)—Question proposed, That the words "In the event of any such property not being transferred" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment proposed, in page 21, line 7, after the word "persons," to insert the words "not exceeding the number of trustees."—(Mr. *James Parker Smith*)—Question put, That those words be there inserted.—The Committee divided:

Ayes, 19.	Noes, 35.
Mr. Anstruther.	Mr. J. B. Balfour.
Commander Bethell.	Mr. Beith.
Mr. Campbell.	Mr. Birrell.
Sir Charles Dalrymple.	Mr. Buchanan.
Major Darwin.	Mr. Caldwell.
Sir James Fergusson.	Sir Charles Cameron.
Captain Hope.	Sir James Carmichael.
Mr. Hozier.	Dr. Clark.
Mr. J. W. Lowther.	Mr. Donald Crawford.
Mr. Maxwell.	Mr. Crombie.
Sir Herbert Maxwell.	Sir Donald Currie.
Mr. Murray.	Mr. Dalziel.
Sir Stafford Northcote.	Mr. Dunn.
Sir Charles Pearson.	Dr. Farquharson.
Mr. Renshaw.	Mr. Munro Ferguson.
Mr. James Parker Smith.	Mr. Hunter.
Sir Mark Stewart.	Mr. Seymour Keay.
Mr. Thorburn.	Sir John Kinloch.
Mr. William Whitelaw.	Sir John Leng.
	Sir Leonard Lyell.
	Sir Donald Macfarlane.
	Dr. MacGregor
	Mr. M'Ewan.
	Mr. Napier.
	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 21, line 9, after the word "case," to insert the words—"Provided that when the trustees of any such property are elected by, or include

persons elected by parish electors or inhabitants of the parish, or are members of the county or town council, or are burgh commissioners, the provisions of this sub-section shall not apply unless the Board by order so prescribe"—(Sir *George Trevelyan*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 21, line 10, to leave out from the second word "the" to the word "of" in line 12—(Mr. *Campbell*)—Question proposed, That the words "the kirk session or the heritors and kirk session of any parish" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Another Amendment made.

Another Amendment proposed, in page 21, at the end of the last Amendment, to insert the words—"The provisions of this section with respect to the appointment of trustees, shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor or by several donors any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors"—(Sir *Charles Pearson*).—Question put, That those words be there inserted,—The Committee divided:

Ayes, 14.	Noes, 25.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Campbell.	Mr. Beith.
Sir Charles Dalrymple.	Mr. Birkmyre.
Major Darwin.	Mr. Buchanan.
Captain Hope.	Mr. Caldwell.
Mr. J. W. Lowther.	Sir Charles Cameron.
Mr. Maxwell.	Mr. Campbell-Bannerman.
Mr. Murray.	Mr. Dalziel.
Sir Charles Pearson.	Mr. Dunn.
Mr. Renshaw.	Dr. Farquharson.
Sir Mark Stewart.	Mr. Munro Ferguson.
Mr. Thorburn.	Mr. Hunter.
Mr. William Whitelaw.	Mr. Seymour Keay.
Mr. Stephen Williamson.	Sir John Kinloch.
	Sir John Leng.
	Sir Leonard Lyell.
	Dr. MacGregor.
	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 21, line 30, at the end of the Clause, to add the following words—"(7.) The heritors of any parish may transfer the property of any churchyard which they hold to the parish council, and the parish council, if they accept such transfer, shall thereafter hold such churchyard for the same purposes and subject to the same rights for and subject to which it was held by such heritors, and shall have and may exercise and perform all the powers and duties before such transfer vested in or imposed on such heritors in relation to the churchyard transferred (except any power or duty of enlarging or extending such churchyard and assessing for the cost of such enlargement or extension): Provided that the cost of maintenance and management of such churchyard after such transfer shall, if and so far as they require to be defrayed out of any rate, be a charge upon the poor rate: and provided also that such transfer shall not alter or transfer any liability to assess for the repayment of any debt or the incidence of any assessment levied for such repayment. After such transfer the powers and duties transferred shall no longer be exercised and performed by such heritors"—(Sir *George Trevelyan.*)—Question, That those words be there added,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 31.—Amendment proposed, in page 21, line 31, to leave out the words "The parish electors and"—(Mr. *Renshaw*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn.*

Amendments made.

Another Amendment proposed, in page 21, line 40, to leave out the word "local," and insert the word "parish"—(Mr. *Renshaw*).—Question put, That the word "local" stand part of the Clause.—The Committee divided:

Mr.

Ayes, 9.	Noes, 31.
Mr. Buchanan.	Mr. Anstruther.
Mr. Caldwell.	Mr. J. B. Balfour.
Mr. Dalziel.	Mr. Birrell.
Mr. Seymour Keay.	Mr. Campbell.
Dr. MacGregor.	Mr. Campbell-Bannerman.
Sir H. Maxwell.	Dr. Clark.
Mr. Angus Sutherland.	Sir Donald Currie.
Mr. Weir.	Sir Charles Dalrymple.
Mr. John Wilson (Lanark).	Major Darwin.
	Mr. Munro Ferguson.
	Sir James Fergusson.
	Mr. Hozier.
	Mr. Hunter.
	Sir John Kinloch.
	Sir John Leng.
	Sir Leonard Lyell.
	Mr. M'Ewan.
	Mr. Maxwell.
	Mr. Murray.
	Mr. Paul.
	Mr. Renshaw.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. J. Parker Smith.
	Sir Mark Stewart.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. William Whitelaw.
	Viscount Wolmer.

Question, That the word "parish" be there inserted,—put, and *agreed to*.

Another Amendment made.

Clause, as amended, *agreed to*.

Clause 32, *agreed to*.

Clause 33.—Amendments made.

Another Amendment proposed, in page 22, line 22, at the end of the Clause, to add the words "Every Committee shall report its proceedings to the parish council by whom it was appointed"—(Mr. *Renshaw*).—Question put, That those words be there added.—The Committee divided:

Ayes, 17.	Noes, 26.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Campbell.	Mr. Beith.
Dr. Clark.	Mr. Birkmyre.
Sir Donald Currie.	Mr. Birrell.
Sir Charles Dalrymple.	Mr. Buchanan.
Sir James Fergusson.	Mr. Caldwell.
Captain Hope.	Mr. Campbell-Bannerman.
Mr. Hozier.	Sir James Carmichael.
Sir John Leng.	Mr. Dalziel.
Mr. Maxwell.	Dr. Farquharson.
Sir H. Maxwell.	Mr. Hunter.
Sir Charles Pearson.	Mr. Seymour Keay.
Mr. Renshaw.	Sir John Kinloch.
Mr. J. Parker Smith.	Sir Leonard Lyell.
Mr. Thorburn.	Dr. MacGregor.
Mr. William Whitelaw.	Mr. M'Ewan.
Mr. Stephen Williamson.	Mr. Paul.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. John Wilson (Lanark).

Clause, as amended, *agreed to.*

Clause 34, amended, and *agreed to.*

Clause 35.—Amendment proposed, in page 22, line 40, after the word "fund," to insert the words "and all cheques for payment of moneys shall be signed by two members of the parish council and be countersigned by the treasurer or clerk"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Clause, as amended, *agreed to.*

Clauses 36—37, amended, and *agreed to.*

Clauses 38—39, *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 17th July 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. A. Asher.
Mr. J. G. A. Baird.
Mr. Gerald Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. W. Birkmyre.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Mr. J. A. Campbell.
Mr. Campbell-Bannerman.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Mr. J. W. Crombie.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Major Darwin.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. Jacks.
Mr. Jeffreys.
Mr. Seton-Karr.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. A. D. Provand.
Sir Robert Reid.
Mr. C. B. Renshaw.
Mr. T. Shaw.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Mr. W. Thorburn.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause 40.—Amendment proposed, in page 24, line 13, to leave out from the word "with" to the word "effect," in line 14, and insert the words "The application of this Act to the registration of the parish electors and the election of parish councillors shall, in respect to such registration and election in the year one thousand eight hundred and ninety-four, be subject to the following modifications and alterations"—(Sir *George Trevelyan*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn.*

Clause

Clause *postponed.*

Clause 41.—Amendment proposed, in page 25, line 9, to leave out the words "eleventh day of December," and insert the words "fourteenth day of May"—(Mr. *Renshaw*).—Question proposed, That the words "eleventh day of December" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 42, amended, and *agreed to.*

Clauses 43—44, *agreed to.*

Clause 45.—Amendment proposed, in page 26, line 16, after the word "passed," to insert the words "and no medical officer shall be liable to dismissal by the parish council from any cause whatsoever without the power of appeal to the Local Government Board"—(Dr. *MacGregor*).—Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, in line 1, after the word "officer," to insert the words "or governor or matron of the poor"—(Mr. *W. Whitelaw*).—Question, That those words be there inserted in the proposed Amendment,—put, and *negatived.*

Question put, That the proposed words be there inserted.—The Committee divided:

Ayes, 23.	Noes, 29.
Mr. Anstruther.	Mr. J. B. Balfour.
Commander Bethell.	Mr. Beith.
Mr. Caldwell.	Mr. Birkmyre.
Mr. Campbell.	Mr. Birrell.
Dr. Clark.	Mr. Buchanan.
Mr. Cochrane.	Sir James Carmichael.
Mr. Cameron Corbett.	Mr. Donald Crawford.
Major Darwin.	Sir Donald Currie.
Dr. Farquharson.	Sir Charles Dalrymple.
Sir James Fergusson.	Mr. Munro Ferguson.
Mr. Hozier.	Captain Hope.
Mr. Jacks.	Mr. Seymour Keay.
Mr. Jeffreys.	Sir John Kinloch.
Dr. MacGregor.	Sir Donald Macfarlane.
Sir H. Maxwell.	Mr. M'Ewan.
Mr. Murray.	Mr. Maxwell.
Sir Stafford Northcote.	Mr. Napier.
Sir Charles Pearson.	Mr. Paul.
Mr. Seton-Karr.	Mr. Renshaw.
Mr. Thorburn.	Mr. T. Shaw.
Mr. William Whitelaw.	Captain John Sinclair.
Mr. G. A. Whitelaw.	Mr. H. Smith.
Viscount Wolmer.	Mr. J. Parker Smith.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.

Another Amendment proposed, in page 26, line 16, after the word "passed," to insert the words "Provided a parish council may, with the consent of the Board, dispense with the services of any officer of the parish council, and may with such consent grant to such officer a superannuation allowance not exceeding two-thirds of his existing salary and emoluments"—(Mr. *Hozier*).—Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, to leave out the words "any officer of the parish council," and insert the words "the inspector of the poor"—(Mr. *Hozier*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Question, That the words "the inspector of the poor" be inserted in the proposed Amendment,—put, and *agreed to.*

Question put, That the proposed words, as amended, be there inserted.—The Committee divided:

Ayes, 13.	Noes, 43.
Mr. Anstruther.	Mr. J. B. Balfour.
Mr. Baird.	Mr. Beith.
Mr. Cochrane.	Mr. Birkmyre.
Mr. Cameron Corbett.	Mr. Birrell.
Sir James Fergusson.	Mr. Buchanan.
Mr. Hozier.	Mr. Caldwell.
Mr. Maxwell.	Mr. Campbell.
Sir Charles Pearson.	Sir James Carmichael.
Sir Mark Stewart.	Dr. Clark.
Mr. Thorburn.	Mr. Donald Crawford.
Mr. William Whitelaw.	Mr. Crombie.
Mr. G. A. Whitelaw.	Sir Donald Currie.
Mr. John Wilson (Lanark).	Sir Charles Dalrymple.
	Dr. Farquharson.
	Mr. Munro Ferguson.
	Captain Hope.
	Mr. Jacks.
	Mr. Jeffreys.
	Mr. Seymour Keay.
	Sir John Kinloch.
	Sir John Leng.
	Mr. J. W. Lowther.
	Sir Leonard Lyell.
	Sir Donald Macfarlane.
	Dr. MacGregor.
	Mr. M'Ewan.
	Sir H. Maxwell.
	Mr. Murray.
	Mr. Napier.
	Sir Stafford Northcote.
	Mr. Paul.
	Mr. Renshaw.
	Mr. Seton-Karr.
	Mr. T. Shaw.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. J. Parker Smith.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Weir.
	Mr. Stephen Williamson.

Another Amendment proposed, in page 26, line 21, after the word "council," to insert the words "Provided that, if the services of any officer are dispensed with under the provisions of this sub-section, the parish council, with the consent of the Board, may grant compensation to such officer."

"(3) The provisions of Section one hundred and twenty of the principal Act, with reference to officers entitled to compensation under that Act, shall apply in the case of officers entitled to compensation under this Act, as if the same were re-enacted herein"—(Mr. *Hozier*).—Question, That those words be there inserted,—put, and *negatived*.

Another Amendment proposed, in page 26, line 22, to leave out from the word "any" to the word "economical," in line 29—(Mr. *Maxwell*).—Question, That the words "any parish councils" stand part of the Clause,—put, and *agreed to*.

An Amendment made.

Another Amendment proposed, in page 26, line 28, to leave out the words "in the whole circumstances of the case to be most effective and economical," and insert the word "fit"—(Mr. *Parker Smith*)—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Clause, as amended, *agreed to*.

Clauses 46—47, *agreed to*.

Clause

Clause 48.—Amendment proposed, in page 27, line 15, to leave out from the word "any" to the word "association," in line 20, and insert the words "the reasonable expenses of members who, in attending the ordinary meetings of the district and county councils, are necessarily detained a night or more from their homes"—(Dr. *MacGregor*).—Question proposed, That the words proposed to be left out stand part of the Clause.—Motion made, and Question proposed, That the Committee do now adjourn—(Mr. *James Parker Smith*).—Motion, by leave, *withdrawn*.

Question again proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Clause, *disagreed to*.

Clause 49.—Amendment proposed, in page 27, line 21, after the word "Committee," to insert the words "or of a parish council"—(Mr. *Renshaw*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 30.	Noes, 11.
Mr. Asher.	Mr. Anstruther.
Mr. J. B. Balfour.	Mr. Cochrane.
Mr. Buchanan.	Major Darwin.
Mr. Caldwell.	Sir James Fergusson.
Sir James Carmichael.	Mr. Jeffreys.
Dr. Clark.	Mr. J. W. Lowther.
Mr. Donald Crawford.	Sir Herbert Maxwell.
Sir Charles Dalrymple.	Sir Charles Pearson.
Dr. Farquharson.	Sir Mark Stewart.
Mr. Munro Ferguson.	Mr. William Whitelaw.
Captain Hope.	Mr. G. A. Whitelaw.
Mr. Jacks.	
Mr. Seymour Keay.	
Sir John Kinloch.	
Sir John Leng.	
Sir Leonard Lyell.	
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. Murray.	
Mr. Paul.	
Sir R. T. Reid.	
Mr. Renshaw.	
Mr. T. Shaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. James Parker Smith.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. Weir.	

Another Amendment proposed, in page 27, line 21, to leave out the words "a woman or"—(Dr. *Clark*).—Question put, That the words "a woman or" stand part of the Clause.—The Committee divided:

Ayes, 33.	Noes, 7.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Buchanan.	Dr. Clark.
Mr. Caldwell.	Mr. J. W. Lowther.
Sir James Carmichael.	Dr. MacGregor.
Mr. Cochrane.	Mr. Paul.
Mr. Donald Crawford.	Sir William Wedderburn.
Sir Charles Dalrymple.	Mr. Weir.
Major Darwin.	
Dr. Farquharson.	
Mr. Munro Ferguson.	
Sir James Fergusson.	
Captain Hope.	
Mr. Jacks.	
Mr. Jeffreys.	
Mr. Seymour Keay.	
Sir John Kinloch.	
Sir John Leng.	

Ayes—*continued.*

Sir Leonard Lyell.
Sir Donald Macfarlane.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Murray.
Sir Charles Pearson.
Sir R. T. Reid.
Mr. Renshaw.
Mr. T. Shaw.
Captain John Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Sir George Trevelyan.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.

Another Amendment made.

Clause, as amended, *agreed to.*

Clause 50.—Amendment proposed, in page 27, line 25, to leave out from the word "a" to the word "if" in line 28—(Mr. *Shaw*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 27, line 30, to leave out the word "six," and insert the word "twelve"—(Captain *Hope*).—Question, That the word "six" stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 27, line 31, after the word "illness" to insert the words "or of absence by reason of employment in Her Majesty's service, or in attendance at meetings of Parliament—(Captain *Hope*).—Question, That those words be there inserted,—put, and *negatived.*

Other Amendments made.

Clause, as amended, *agreed to.*

Clauses 51—58, *disagreed to.*

Clause 59.—Amendment proposed, in page 35, line 27, after the word "duty" to insert the words "of a town council or the burgh commissioners of any burgh (including police burghs) administering its roads and"—(Captain *Hope*).—Question, That those words be there inserted —put, and *agreed to.*

Another Amendment proposed, in page 35, line 27, to leave out from the word "a" to the word "council," in line 28, and insert the words "parish council or town council or the burgh commissioners"—(Mr. *Seymour Keay*).—Question, That the words "a district committee" stand part of the Clause,—put and *agreed to.*

Another Amendment made.

Another Amendment proposed, in page 35, line 31, after the word "district," to insert the word "to"—(Mr. *Renshaw*).—Question proposed, That the word "to" be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 35, line 31, after the word "them," to insert the words "after due inquiry"—(Mr. *Renshaw*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 14.	Noes, 31.
Mr. Anstruther.	Mr. Asher.
Mr. Campbell.	Mr. Baird.
Sir Charles Dalrymple.	Mr. J. B. Balfour.
Sir James Fergusson.	Mr. Beith.

Captain

Ayes—*continued.*

Captain Hope.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Mr. Maxwell.
Mr. Murray.
Sir Charles Pearson.
Mr. Renshaw.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. William Whitelaw.

Noes—*continued.*

Mr. Birkmyre.
Mr. Buchanan.
Mr. Caldwell.
Mr. Campbell-Bannerman.
Mr. Donald Crawford.
Mr. A. Cross.
Major Darwin.
Dr. Farquharson.
Mr. Munro Ferguson.
Mr. Hozier.
Mr. Jacks.
Mr. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Dr. MacGregor.
Mr. M'Ewan.
Mr. Napier.
Mr. Paul.
Captain John Sinclair.
Mr. Tennant.
Mr. Thorburn.
Sir George Trevelyan.
Mr. Robert Wallace.
Sir William Wedderburn.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).

Another Amendment proposed, in page 35, line 32, to leave out the words "by grant, prescriptive use, or otherwise," and insert the word "right"—(Mr. *Renshaw*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 35, line 32, to leave out from the word "and" to the word "district," in line 33—(Mr. *Buchanan*)—Question put, That the words "and which is beneficial" stand part of the Clause.—The Committee divided:

Ayes, 11.

Mr. Campbell.
Sir James Fergusson.
Captain Hope.
Mr. Hozier.
Mr. J. W. Lowther.
Mr. Maxwell.
Mr. Murray.
Sir Charles Pearson.
Mr. Renshaw.
Mr. James Parker Smith.
Sir Mark Stewart.

Noes, 36.

Mr. Anstruther.
Mr. Asher.
Mr. Baird.
Mr. J. B. Balfour.
Mr. Beith.
Mr. Birkmyre.
Mr. Buchanan.
Mr. Caldwell.
Mr. Cochrane.
Mr. Donald Crawford.
Mr. A. Cross.
Sir Donald Currie.
Sir Charles Dalrymple.
Major Darwin.
Dr. Farquharson.
Mr. Munro Ferguson.
Mr. Seymour Keay.
Sir John Leng.
Sir Leonard Lyell.
Dr. MacGregor.
Mr. M'Ewan.
Mr. Napier.
Mr. Paul.
Mr. T. Shaw.
Captain John Sinclair.
Mr. Angus Sutherland.
Mr. Tennant.
Mr. Thorburn.
Sir George Trevelyan.
Mr. Robert Wallace.
Sir William Wedderburn.
Mr. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).

Another Amendment proposed, in page 35, line 36, after the word "expedient," to insert the words "Provided always that it shall be competent to such Committee, with the consent of the parties concerned, to substitute for any existing right of way any other right of way which shall appear to them to be of greater advantage to the inhabitants"—(Sir *James Fergusson*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn*.

Other Amendments made.

Another Amendment proposed, in page 35, line 39, to leave out the words "or beneficial to any inhabitants of the district," and insert the words "of the said district committee"—(Major *Darwin*).—Question proposed, That the word "or" stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another Amendment made.

Another Amendment proposed, in page 36, line 7, after the word "council" to insert the words "Provided always, that where a right of way has ceased to be beneficial to the inhabitants of any district as an approach to kirk, or market, or other public place, or where the right is disputed, it shall be in the power of the owner, without prejudice to any other remedy in law or equity, to mark off or define by wooden or other suitable fence the lines and limits of the way along which such right is claimed, as such lines and limits shall be fixed by the owner and the county council or district committee of the locality in which the lands lie, and that at the owner's expense in the first instance; and if such county council or district committee desire to maintain such right as beneficial to the public, such way or fence shall thereafter be kept and maintained by the county council or district committee of the county or district, and the cost thereof shall be defrayed out of the road rate levied therein"—(Captain *Hope*).—Question proposed, That those words be there inserted.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 20*th July*, 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. Anstruther.
Mr. Asher.
Mr. Baird.
Mr. Gerald Balfour.
Mr. J. B. Balfour.
Mr. Beith.
Mr. Birkmyre.
Mr. Buchanan.
Mr. Caldwell.
Mr. Campbell.
Sir James Carmichael.
Mr. Cayzer.
Dr. Clark.
Mr. Cochrane.
Mr. Donald Crawford.
Mr. Crombie.
Mr. A. Cross.
Major Darwin.
Mr. J. H. Dalziel.
Dr. Farquharson.
Mr. Munro Ferguson.
Sir James Fergusson.
Mr. Haldane.
Captain Hope.
Mr. Hozier.
Mr. Hunter.
Mr. Seymour Keay.
Sir John Kinloch.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. MacGregor.
Mr. M'Ewan.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Murray.
Mr. Napier.
Sir Stafford Northcote.
Mr. Paul.
Sir Charles Pearson.
Mr. Provand.
Sir R. T. Reid.
Mr. Renshaw.
Captain John Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Sir T. Sutherland.
Mr. Tennant.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Sir William Wedderburn.
Mr. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Clause

Clause 59, as amended, further considered.

Amendment again proposed, in page 36, line 7, after the word "council," to insert the words "Provided always, that where a right of way has ceased to be beneficial to the inhabitants of any district as an approach to kirk, or market, or other public place, or where the right is disputed, it shall be in the power of the owner, without prejudice to any other remedy in law or equity, to mark off or define by wooden or other suitable fence the lines and limits of the way along which such right is claimed, as such lines and limits shall be fixed by the owner and the county council or district committee of the locality in which the lands lie, and that at the owner's expense in the first instance; and if such county council or district committee desire to maintain such right as beneficial to the public, such way and fence shall thereafter be kept and maintained by the county council or district committee of the county or district, and the cost thereof shall be defrayed out of the road rate levied therein"—(Captain *Hope*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 36, line 12, at the end of the Clause, to add the words "Provided always, that any litigant who is successful against the county council or district committee shall not be assessed for such portion of the road rate as is rendered necessary by such expenditure"—(Sir *Charles Pearson*).—Question proposed, That those words be there added.

Amendment proposed to the proposed Amendment, after the word "expenditure," to add the words "it shall be in the power of the county council, or district committee, or parish council, within their respective districts or of any member or members of the public with the consent of any one of these bodies to erect and maintain guide posts and direction notices upon any right of way"—(Mr. *Buchanan*).—Question, That those words be added to the proposed Amendment,—put, and *agreed to.*—Question, That the proposed Amendment, as amended, be added to the Clause,—put, and *agreed to.*

Clause, as amended, *agreed to.*

Clauses 60—61 *disagreed to.*

Clause 62.—Amendment proposed, in page 37, line 17, after the word "council," to insert the words, "or for any two or more parish councils"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in page 37, line 23, after the word "say," to insert the words: "(a) The construction and maintenance of streets and roads not being highways and foot pavements and footpaths in the special district and the adoption, for such purposes, by the district committee, of the provisions contained in sections one hundred and twenty-eight to one hundred and sixty-four, both inclusive, and section three hundred and thirty-nine of "The Burgh Police (Scotland) Act, 1892," or any one or more of them"—(Captain *Sinclair*).—Question proposed, That those words be there inserted —Amendment, by leave, *withdrawn.*

Another Amendment made.

Another Amendment proposed, in page 37, line 26, after the words "ninety-nine," to insert the words "one hundred and one hundred and one"—(Mr. *Renshaw*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Another Amendment proposed, in page 37, line 40, after the word "them," to insert the words: "(d) The establishment of a dean of guild court in each district, and the adoption for such purpose by the district committee of the provisions contained in sections two hundred and one to two hundred and nine, and sections three hundred and thirty-six to three hundred and thirty-eight, all inclusive, of 'The Burgh Police (Scotland) Act, 1892,' or any one or more of them. Three members of the district committee (of whom two shall be a quorum, to be from time to time appointed by the district committee) shall form the dean of guild court for the district"—(Mr. *Caldwell*).—Question proposed, That those words be there inserted.—Amendment, by leave, withdrawn.

Another Amendment proposed, in page 37, line 40, after the word "them," to insert the words: "(d) The construction and maintenance of small harbours, piers, and boatslips, and the adoption for such purposes by the district committee of the powers given to local authorities

rities by (1) 'The Public Health (Scotland) Act, 1867,' and Acts amending the same, with reference to special water supply or drainage districts and the borrowing of money; the purchase of land other than by agreement, and the levying of a special assessment on or within a special water supply district, and (2) 'The Local Government (Scotland) Act, 1889,' section eighty-one, sub-section one, as if those powers of the several Acts related to the purposes herein embraced.—(Sir *Leonard Lyell*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 17.	Noes, 33.
Mr. Beith.	Mr. Anstruther.
Mr. Buchanan.	Mr. Baird.
Mr. Caldwell.	Mr. J. B. Balfour.
Dr. Clark.	Mr. Birkmyre.
Mr. Crombie.	Mr. Campbell.
Mr. A. Cross.	Sir James Carmichael.
Mr. Dalziel.	Mr. Cayzer.
Dr. Farquharson.	Mr. Cochrane.
Mr. Seymour Keay.	Mr. Donald Crawford.
Sir John Kinloch.	Major Darwin.
Sir Leonard Lyell.	Mr. Munro Ferguson.
Sir Donald Macfarlane.	Captain Hope.
Mr. H. Smith.	Mr. Hozier.
Sir William Wedderburn.	Mr. Hunter.
Mr. Weir.	Mr. J. W. Lowther.
Mr. William Whitelaw.	Dr. MacGregor.
Mr. John Wilson (Lanark).	Mr. M'Ewan.
	Mr. Maxwell.
	Sir Herbert Maxwell.
	Mr. Napier.
	Sir Stafford Northcote.
	Mr. Paul.
	Sir Charles Pearson.
	Mr. Renshaw.
	Captain John Sinclair.
	Mr. James Parker Smith.
	Sir T. Sutherland.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Mr. Wason.
	Mr. G. A. Whitelaw.
	Mr. Stephen Williamson.

Another Amendment made.

Another Amendment proposed, in page 37, line 42, after the word "notice," to insert the words "published in the 'Edinburgh Gazette,' and in one or more newspapers circulating in the district"—(Mr. *James Parker Smith*),—Question proposed, That those words be there inserted.—Amendment, by leave, withdrawn.

Other Amendments made.

Another Amendment proposed, in page 38, line 8, to leave out from the word "Such" to the word "and," in line 10—(Captain *Sinclair*.)—Question proposed, That the words "Such resolution shall be final" stand part of the Clause.—Amendment, by leave, withdrawn.

Another Amendment made.

Another Amendment proposed, in page 38, line 15, after the word "council," to insert the words: "(3) Within ten days after the date of such resolution, it shall be competent for any person interested to appeal against the resolution to the sheriff, and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution, and if he disapproves thereof, he may either find that no special district shall be formed, or may enlarge or limit the special district as defined by the resolution of the district committee, or may find that a special district shall be formed, and may define the limits thereof, and the decision of the sheriff shall be binding upon the district committee, and shall be final except where it is pronounced by a sheriff substitute, in which case it may be appealed from to the sheriff."—(Mr. *James Parker Smith*).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 12.	Noes, 20.
Mr. Baird.	Mr. Asher.
Mr. G. Balfour.	Mr. J. B. Balfour.
Mr. Campbell.	Mr. Buchanan.
Captain Hope.	Mr. Caldwell.
Mr. J. W. Lowther.	Mr. Donald Crawford.
Sir Leonard Lyell.	Mr. Dalziel.
Mr. Maxwell.	Dr. Farquharson.
Sir Charles Pearson.	Mr. Munro Ferguson.
Mr. Renshaw.	Mr. Hunter.
Mr. James Parker Smith.	Mr. Seymour Keay.
Mr. William Whitelaw.	Sir John Kinloch.
Mr. G. A. Whitelaw.	Dr. MacGregor.
	Mr. Paul.
	Captain John Sinclair.
	Mr. H. Smith.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Sir William Wedderburn.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another Amendment proposed, in page 38, line 16, to leave out from the word "Where" to the word "Acts," in line 18—(Captain *Sinclair*).—Question put, That the words "Where the proposed special district" stand part of the Clause.—The Committee divided:

Ayes, 24.	Noes, 10.
Mr. Anstruther.	Captain Hope.
Mr. Asher.	Mr. J. W. Lowther.
Mr. J. B. Balfour.	Mr. Maxwell.
Mr. Beith.	Sir Herbert Maxwell.
Mr. Birkmyre.	Sir Charles Pearson.
Mr. Buchanan.	Mr. Renshaw.
Mr. Caldwell.	Captain John Sinclair.
Sir James Carmichael.	Mr. James Parker Smith.
Dr. Clark.	Mr. William Whitelaw.
Mr. Cochrane.	Viscount Wolmer.
Major Darwin.	
Dr. Farquharson.	
Mr. Munro Ferguson.	
Mr. Hunter.	
Mr. Seymour Keay.	
Dr. MacGregor.	
Mr. Napier.	
Mr. Paul.	
Mr. H. Smith.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. Stephen Williamson.	

Other Amendments made.

Another Amendment proposed, in page 38, line 38, to leave out the words "and levied."—(Mr. *Renshaw*.)—Question, That the words "and levied" stand part of the Clause,—put, and *negatived*.

Other Amendments made.

Another Amendment proposed, in page 38, line 40, after the word "recovery," to insert the words "provided that such special district rate shall not exceed nine pence in the pound"—(Mr. *Renshaw*).—Question put, That the words "provided that such special district rate shall not exceed" be there inserted.—The Committee divided:

Ayes, 31.	Noes, 11.
Mr. Anstruther.	Mr. Buchanan.
Mr. Baird.	Mr. Caldwell.
Mr. J. B. Balfour.	Dr. Farquharson.
Mr. Beith.	Mr. Seymour Keay.
Mr. Birkmyre.	Dr. Macgregor.
Mr. Campbell.	Mr. Paul.
Sir James Carmichael.	Capt. John Sinclair.
Mr. Cochrane.	Mr. H. Smith.
Mr. Donald Crawford.	Mr. Tennant.
Mr. Crombie.	Mr. Wason.
Mr. Dalziel.	Mr. Weir.
Major Darwin.	
Mr. Munro Ferguson.	
Mr. Hozier.	
Sir John Kinloch.	
Mr. J. W. Lowther.	
Sir Donald Macfarlane.	
Mr. M'Ewan.	
Mr. Maxwell.	
Sir Herbert Maxwell.	
Mr. Napier.	
Sir Stafford Northcote.	
Sir Charles Pearson.	
Mr. Renshaw.	
Mr. James Parker Smith.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Sir William Wedderburn.	
Mr. William Whitelaw.	
Mr. G. A. Whitelaw.	
Mr. John Wilson (Lanark).	

Question proposed, That the words "nine pence in the pound" be inserted after the word "exceed."

Amendment proposed, To leave out the word "nine," and insert the word "three"—(Sir *Charles Pearson*).—Question put, That the word "nine" stand part of the proposed Amendment.—The Committee divided:

Ayes, 31.	Noes, 11.
Mr. J. B. Balfour.	Mr. Anstruther.
Mr. Beith.	Mr. Baird.
Mr. Birkmyre.	Mr. Campbell.
Mr. Buchanan.	Mr. Cochrane.
Mr. Caldwell.	Major Darwin.
Sir James Carmichael.	Mr. Hozier.
Mr. Donald Crawford.	Mr. J. W. Lowther.
Mr. Crombie.	Sir Herbert Maxwell.
Mr. Dalziel.	Sir Stafford Northcote.
Dr. Farquharson.	Sir Charles Pearson.
Mr. Munro Ferguson.	Mr. William Whitelaw.
Mr. Seymour Keay.	
Sir John Kinloch.	
Sir Donald Macfarlane.	
Dr. MacGregor.	
Mr. M'Ewan.	
Mr. Maxwell.	
Mr. Napier.	
Mr. Paul.	
Mr. Renshaw.	
Captain John Sinclair.	
Mr. H. Smith.	
Mr. James Parker Smith.	
Mr. Tennant.	
Sir George Trevelyan.	
Mr. Robert Wallace.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. G. A. Whitelaw.	
Mr. John Wilson (Lanark).	

Proposed

Proposed words inserted.

Other Amendments made.

Clause, as amended, *agreed to.*

Clauses 63—67, *disagreed to.*

Clause 68.—Amendment proposed, in page 40, line 22, after the word "that," to insert the words "The expression 'police burgh' in this Act, the principal Act, the Local Taxation (Customs and Excise) Act, 1890, the Roads and Streets in Police Burghs (Scotland) Act, 1891, and the Education and Local Taxation Account (Scotland) Act, 1892, means a populous place, the boundaries whereof have been fixed and ascertained under the provisions of the Burgh Police (Scotland) Act, 1892, or of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or under the provisions of any local Act"—(Mr. *Maxwell*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 40, after the word "Act," at the end of the last Amendment, to insert the words "where a town council and police commissioners both exist as separate corporate bodies in a burgh, then the police commissioners shall be the corporate body referred to by the words 'town council'"—(Mr. *Wason*).—Question proposed, That those words be there inserted.—Amendment, by leave, *withdrawn.*

Another Amendment made.

Another Amendment proposed, in page 40, line 41, to leave out the word "or"—(Mr. *Buchanan*).—Question proposed, That the word "or" stand part of the Clause.—Amendment, by leave, *withdrawn.*

Other Amendments made.

Clause, as amended, *agreed to.*

Clause 69, *agreed to.*

Postponed Clause 40.—Amendment proposed, in page 24, line 13, to leave out from the word "with" to the word "effect," in line 14, and insert the words "The application of this Act to the registration of parish electors and the election of parish councillors shall, in respect to such registration and election in the year one thousand eight hundred and ninety-four, be subject to the following modifications and alterations"—(Sir *George Trevelyan*).—Question proposed, That the words proposed to be left out stand part of the Clause.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 24th July 1894.

MEMBERS PRESENT:

Sir MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.
Mr. A. Asher.
Mr. J. G. A. Baird.
Mr. Gerald Balfour.
Mr. J. B. Balfour.
Mr. G. Beith.
Commander Bethell.
Mr. A. Birrell.
Mr. T. R. Buchanan.
Mr. Caldwell.
Mr. J. A. Campbell.
Sir James Carmichael.
Dr. G. B. Clark.
Mr. T. H. Cochrane.
Mr. A. Cameron Corbett.
Mr. D. Crawford.
Sir Charles Dalrymple.
Major Darwin.
Mr. J. H. Dalziel.
Mr. W. Dunn.
Dr. Farquharson.
Mr. R. C. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. Jacks.
Mr. Jeffreys.
Mr. J. Seymour Keay.
Sir John Kinloch.
Sir John Leng.
Mr. J. W. Lowther.
Sir Leonard Lyell.
Sir Donald Macfarlane.
Dr. D. MacGregor.
Mr. William M'Ewan.
Mr. W. J. Maxwell.
Sir Herbert Maxwell.
Mr. Andrew Graham Murray.
Mr. M. Napier.
Sir Stafford Northcote.
Mr. H. W. Paul.
Sir Charles Pearson.
Mr. C. B. Renshaw.
Captain J. Sinclair.
Mr. H. Smith.
Mr. James Parker Smith.
Sir Mark Stewart.
Mr. Angus Sutherland.
Mr. H. J. Tennant.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. John Wilson (Lanark).
Viscount Wolmer.

Postponed Clause 40, further considered.

Amendment again proposed, in page 24, line 13, to leave out from the word "with," to the word "effect," in line 14, and insert the words:

"The application of this Act to the registration of parish electors and the election of parish councillors shall, in respect to such registration and election in the year one thousand eight hundred and ninety-four, be subject to the following modifications and alterations"—(Sir *George Trevelyan*).—Question again proposed, That the words proposed to be left out stand part of the Clause.—Amendment, by leave, *withdrawn*.

Another amendment proposed, in page 24, line 15, to leave out from the word "In," to the word "aforesaid," in page 25, line 2, and insert the words:

"(1.) The first election of parish councillors shall take place in every parish on the first Tuesday of April in the year one thousand eight hundred and ninety-five. The parish councillors then elected shall enter office on the fifteenth day of May following such election, and shall go out of office, in burghal parishes and in parishes wholly comprised within a police burgh, or within a burgh and a police burgh, on the first Tuesday of November, and in all other parishes on the first Tuesday of December, both in the year one thousand eight hundred and ninety-eight.

"(2.) Before the first election of parish councillors, and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety five, a list of persons qualified to be parish electors shall be prepared, revised, and completed for each county (exclusive of any police burgh or part thereof), and the provisions of the Local Government (Scotland) Acts respecting a county council register shall apply to such list, subject to such alterations of dates and such other necessary modifications as may be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list when completed shall be deemed to be the county council register for the time being within the meaning of Sub-section eight of Section twelve of this Act.

"(3.) The provisions of Sub-sections two and three of Section twelve of this Act shall not apply to a municipal register or to the register of voters for the election in a police burgh of burgh commissioners coming into force in the month of November in the year one thousand eight hundred and ninety-four, unless so applied by order under the seal of the town council, or, in a police burgh, of the burgh commissioners: Provided that before the first election of parish councillors and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety-five a list of persons qualified to be parish electors shall be prepared, revised, and completed for each burgh and police burgh, and the provisions of this Act respecting a municipal register or the register of voters for the election in a police burgh of burgh commissioners shall apply to such list, subject to such alterations of dates and such other necessary modifications as shall be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list when completed shall be deemed to be the municipal register of the burgh, or register of voters for the election in the police burgh of burgh commissioners, for the time being, within the meaning of Sub-section eight of Section twelve of this Act.

"Provided that nothing contained in this or the immediately preceding sub-section shall affect the date at which any Parliamentary or municipal register of voters, or register of voters for the election in a police burgh of burgh commissioners, is fixed to come into operation.

"(4.) In a landward parish and in the landward part of a parish partly landward and partly burghal, except within any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of Section fourteen (excepting Sub-section one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the county council at their general meeting in the month of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of county councillors.

"(5.) In a burghal parish and in the burghal part of a parish partly landward and partly burghal, and in any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of Section fifteen (excepting Sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the town council, or in a police burgh by the burgh commissioners, not later than the thirty-first day of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards (if any) fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of town councillors, or, in a police burgh, of burgh commissioners.

"(6.) The expenditure incurred in the registration of parish electors shall be deemed to form part of the expenditure incurred in the election of parish councillors.

"(7.) The members of a parish council first elected under this Act shall, on the second Thursday of April, meet as a provisional parish council with power to arrange for bringing this Act into operation, and the provisional parish council shall, at that or a subsequent meeting, make provision for the performance of the duties of such parish council until the first meeting of

of such council, and the first meeting of the parish council shall be held on such day, not later than the twenty-second day of May, as shall be fixed by the provisional parish council, and such meeting shall be deemed to be the statutory meeting of the parish council for the year one thousand eight hundred and ninety-five.

"(8.) The parochial boards holding office at the commencement of this Act shall, notwithstanding any provision to the contrary, retain office until the fifteenth day of May in the year one thousand eight hundred and ninety-five."—(Sir *George Trevelyan*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Question proposed, That the proposed words be there inserted.

Amendment proposed to the proposed Amendment, to leave out from the word "The" in line 17 to the word "operation" in line 35—(Mr. *Caldwell*).—Question proposed, That the words proposed to be left out stand part of the proposed Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn*.

Question, that the proposed words be there inserted,—put, and *agreed to*.

Clause, as amended, *agreed to*.

New Clause (Amendment of 52 & 53 Vict. c. 50, s. 51) brought up and read the first time as follows:

"An order of the Secretary for Scotland, under section fifty-one of the principal Act, for altering the boundaries of any parish or for uniting several parishes or parts of parishes into one parish by the creation of a new parish or otherwise, or annexing one or more of such parishes or parts of parishes to a larger parish, or for dividing any parish or for uniting any subdivision of a parish with any other parish, or for the proper adjustment and distribution of the powers, property, liabilities, debts, officers, and servants of any local authority consequential on any such consolidation, alteration of boundaries, or division shall, notwithstanding anything to the contrary contained in the principal Act, be final and have the effect of an Act of Parliament when made, provided that before making any such order, the Secretary for Scotland shall consult with the authorities concerned, and shall cause the proposed order to be published in the 'Edinburgh Gazette,' and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and may thereafter make the order and cause the same to be forthwith published in the 'Edinburgh Gazette,' and provided further that in addition to the provisions of the principal Act any such order may be made on the representation of a parochial board or parish council, or the commissioners of a police burgh. The words 'in the county' occurring in sub-section (e) of section fifty-one of the principal Act are hereby repealed"—(Sir *George Trevelyan*.)—Question, That the Clause be read a second time,—put, and *agreed to*.

Question proposed, That the Clause be added to the Bill.

Amendment proposed, in line 16, after the word "burgh," to insert the words "or a school board"—(Mr. *Maxwell*).—Question, That those words be there inserted,—put, and *agreed to*.

Question, That the Clause, as amended, be added to the Bill,—put, and *agreed to*.

Another new Clause (Public Footpaths) brought up and read the first time as follows:

"The parish council in a landward parish and the landward committee in a parish which is partly landward and partly burghal may undertake the repair and maintenance of all or any of the public footpaths (not being footpaths at the side of a highway within the meaning of the Roads and Bridges (Scotland) Act, 1878) within the parish, and the expense of such repair and maintenance shall be defrayed out of the special parish rate, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance"—(Sir *George Trevelyan*).—Question, That the Clause be read a second time,—put, and *agreed to*.

Question proposed, That the Clause be added to the Bill.

Amendment proposed, in line 1, to leave out from the word "in" to the word "burghal," in line 2—(Mr. *Seymour Keay*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn*.

Another Amendment proposed, in line 3, to leave out the words "footpaths not being," and insert the words "ways not being highways or"—(Mr. *Asher*).—Question put, That the words "footpaths not being" stand part of the Clause.—The Committee divided:

Ayes, 14.	Noes, 25.
Sir Charles Dalrymple.	Mr. Anstruther.
Sir James Fergusson.	Mr. Asher.
Captain Hope.	Mr. J. B. Balfour.
Mr. Hozier.	Mr. Baird.
Mr. J. W. Lowther.	Commander Bethell.
Mr. Maxwell.	Mr. Buchanan.

Ayes—*continued.*	Noes—*continued.*
Sir H. Maxwell.	Mr. Caldwell.
Mr. Murray.	Mr. Campbell.
Sir Charles Pearson.	Dr. Clark.
Mr. Renshaw.	Mr. Cochrane.
Mr. J. Parker Smith.	Major Darwin.
Sir Mark Stewart.	Dr. Farquharson.
Mr. William Whitelaw.	Mr. Seymour Keay.
Mr. G. A. Whitelaw.	Sir John Kinloch.
	Sir Leonard Lyell.
	Dr. MacGregor.
	Mr. M'Ewan.
	Mr. Paul.
	Captain John Sinclair.
	Mr. H. Smith.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. John Wilson (Lanark).

Question, That the words "ways not being highways or" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in line 7, at the end of the Clause, to add the words:

"Provided that no liability shall rest on the parish council or other road authority, in respect of any accident that may occur on such footpath or track, if it is used for purposes other than those to which it is restricted by notice duly published"—(Captain *Hope*).—Question proposed, That those words be there added.

Amendment, by leave, *withdrawn.*

Question, That the Clause, as amended, be added to the Bill,—put, and *agreed to.*

Another new Clause (Power to police burghs to become members of Convention of Royal and Parliamentary Burghs. 42 & 43 Vict., c. 27), brought up and read the first time as follows:

"The Convention of Royal Burghs (Scotland) Act 1879, shall be read as if the words 'or police' were inserted after the word 'parliamentary,' in the second and third sections of the Act"—(Mr. *Parker Smith*).—Question proposed, That the Clause be read a second time.

New Clause, by leave, *withdrawn.*

Another new Clause (Complaint to Board on question of undue relief) brought up and read the first time as follows:

"Where relief has been or shall be granted to any person, it shall be lawful for any two parish councillors or for any five ratepayers of the parish to lodge a written complaint with the board, complaining that the relief granted is excessive in amount, or is of a kind that should not have been granted, and setting forth the grounds of such complaint; and the board shall, after such intimation as shall be deemed proper, investigate the grounds of the complaint; and if upon inquiry it shall appear to the board that such complaint is well founded in whole or in part, the board may order the parish council to reduce the amount or to vary the kind of the relief granted as may be specified in the order, and the parish council shall make such reduction or variation accordingly: provided that where any such complaint had been made and disposed of no subsequent complaint touching the same poor person shall be competent unless either (1) such poor person has in the meantime ceased to be in receipt of relief, or (2) such a material change of circumstances is averred as in the opinion of the board warrants a further investigation"
—(Sir *Charles Pearson*).—Question put, That the Clause be read a second time.—The Committee divided:

Ayes, 16.	Noes, 28.
Mr. Anstruther.	Mr. Asher.
Mr. Baird.	Mr. J. B. Balfour.
Mr. G. Balfour.	Mr. Beith.
Mr. Campbell.	Mr. Birrell.
Mr. Cochrane.	Mr. Buchanan.
Mr. Cameron Corbett.	Mr. Caldwell.
Captain Hope.	Sir James Carmichael.
Mr. Hozier.	Dr. Clark.
Mr. Maxwell.	Mr. Donald Crawford.
Mr. Murray.	Mr. Dalziel.

Ayes—*continued.*	Noes—*continued.*
Sir Stafford Northcote.	Mr. Dunn.
Sir Charles Pearson.	Dr. Farquharson.
Mr. Renshaw.	Mr. Ferguson.
Mr. J. Parker Smith.	Mr. Jacks.
Sir Mark Stewart.	Dr. MacGregor.
Mr. G. A. Whitelaw.	Mr. M'Ewan.
	Mr. Napier.
	Mr. Paul.
	Captain John Sinclair.
	Mr. H. Smith.
	Mr. Angus Sutherland.
	Mr. Tennant.
	Sir George Trevelyan.
	Mr. Robert Wallace.
	Mr. Wason.
	Sir William Wedderburn.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another new Clause (Complaint to sheriff on question of chargeability) brought up and read the first time, as follows:

"Where relief has been or shall be granted to any person otherwise than upon an order or judgment of the sheriff pronounced under section seventy-three of the Poor Law (Scotland) Act 1845, it shall be lawful for any two parish councillors or for any five ratepayers of the parish to lodge a written complaint with the sheriff of the county in which the parish from which such person has claimed relief, or any portion of such parish, is situated, complaining that such person is not legally entitled to relief, and setting forth the ground of such complaint, and claiming interdict; and the said sheriff shall forthwith, if he be of opinion that such person is, upon the facts stated, not legally entitled to relief, order intimation of such application to be made to such person, and also to the clerk of the parish council, requiring them, within a time to be specified in the order, to give in a statement in writing showing the reasons why the relief was granted, which statement the sheriff shall afterwards appoint to be answered, and shall if required nominate an agent to appear and answer on behalf of such poor person, and shall further, if necessary, direct a record to be made up and a proof to be led by both parties, after which he shall proceed to pronounce judgment in the cause, finding such person to be legally either entitled or not entitled to relief, and if the latter, interdicting the parish council from following out their order or resolution to grant relief in the case complained of: Provided that nothing herein contained shall be construed to enable the said sheriff to determine on the adequacy of the relief, or to interfere in respect of the amount of relief to be given in any individual case"—(Sir *Charles Pearson*).—Question proposed, That the Clause be read a second time.

[Adjourned until Friday next, at 12 o'clock.

Friday, 27th July 1894.

MEMBERS PRESENT:

SIR MATTHEW WHITE RIDLEY in the Chair.

Mr. H. T. Anstruther.	Mr. William M'Ewan.
Mr. A. Asher.	Mr. W. J. Maxwell.
Mr. J. G. A. Baird.	Sir Herbert Maxwell.
Mr. J. B. Balfour.	Mr. Andrew Graham Murray.
Mr. G. Beith.	Mr. M. Napier.
Mr. A. Birrell.	Sir Stafford Northcote.
Mr. T. R. Buchanan.	Mr. H. W. Paul.
Mr. Caldwell.	Sir Charles Pearson.
Mr. J. A. Campbell.	Mr. C. B. Renshaw.
Sir James Carmichael.	Mr. T. W. Russell.
Dr. G. B. Clark.	Mr. T. Shaw.
Mr. T. H. Cochrane.	Captain J. Sinclair.
Mr. A Cameron Corbett.	Mr. H. Smith.
Mr. D. Crawford.	Mr. James Parker Smith.
Sir Charles Dalrymple.	Sir Mark Stewart.
Major Darwin.	Mr. Angus Sutherland.

Mr. J. H. Dalziel.
Mr. W. Dunn.
Mr. Munro Ferguson.
Sir James Fergusson.
Captain Hope.
Mr. J. H. C. Hozier.
Mr. W. A. Hunter.
Mr. W. Jacks.
Sir John Leng.
Sir Leonard Lyell.
Sir D. H. Macfarlane.
Dr. D. MacGregor.
Mr. H. J. Tennant.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Sir William Wedderburn.
Mr. J. G. Weir.
Mr. William Whitelaw.
Mr. G. A. Whitelaw.
Mr. Stephen Williamson.
Mr. J. Shiress Will.
Mr. John Wilson (Lanark).
Viscount Wolmer.

New Clause (Complaint to Sheriff on question of chargeability) further considered.—Question put, That the Clause be read a second time.—The Committee divided:

Ayes, 19.

Mr. Anstruther.
Mr. Baird.
Mr. Campbell.
Mr. Cochrane.
Mr. Cameron Corbett.
Sir Charles Dalrymple.
Sir James Fergusson.
Captain Hope.
Mr. Hozier.
Mr. Maxwell.
Sir Herbert Maxwell.
Mr. Murray.
Sir Stafford Northcote.
Sir Charles Pearson.
Mr. Renshaw.
Mr. J. Parker Smith.
Sir Mark Stewart.
Mr. G. A. Whitelaw.
Viscount Wolmer.

Noes, 26.

Mr. J. B. Balfour.
Mr. Beith.
Mr. Birrell.
Mr. Buchanan.
Mr. Caldwell.
Sir James Carmichael.
Mr. Donald Crawford.
Mr. Ferguson.
Mr. Hunter.
Mr. Jacks.
Sir Donald Macfarlane.
Dr. MacGregor.
Mr. M'Ewan.
Mr. Napier.
Mr. Paul.
Mr. T. Shaw.
Captain John Sinclair.
Mr. H. Smith.
Mr. Tennant.
Sir George Trevelyan.
Mr. Robert Wallace.
Mr. Wason.
Sir William Wedderburn.
Mr. Stephen Williamson.
Mr. Shiress Will.
Mr. John Wilson (Lanark).

Another new Clause (Powers of Board as to assuming poor law administration in a parish) brought up and read the first time, as follows:—

"When and so often as (1) the total assessment for the relief of the poor in any parish, imposed upon owners and occupiers taken together, continues for more than one year to exceed the rate of five shillings in the pound, or (2) the Board, on the representation of a ratepayer or ratepayers who have paid not less than one-tenth of the whole poor rate collected within the parish during the preceding local financial year shall, after due inquiry, find that the administration of the poor law in a parish is unduly lax, or has resulted in extravagance or excessive relief, or is in any other respect not being conducted according to the intention of the several Acts for the time being in force for the relief of the poor, it shall be lawful for the Board by order to withdraw from the parish council of such parish the administration of the poor law therein, and the whole powers and duties of the parish council or any committee thereof touching the relief of the poor, and the same shall thereupon be vested in and exercised and discharged by such and so many paid officers as the Board may think fit to appoint to carry the same into execution; and the Board may from time to time recall such appointments and define and direct the execution of the duties of such officers, and the amount and nature of the security, if any, to be given by them or any of them, and fix and regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof; and such salaries shall be chargeable on and payable out of the poor rate of such parish; Provided that unless the Board shall sooner revoke the appointment of such paid officers, they shall hold their offices for the term of one year from the date of their appointment and thenceforth till the time of the next election of a parish council for the said parish, and no longer."—(Sir *Charles Pearson*).—Question, That the Clause be read a second time,—put, and *negatived.*

Another new Clause (Valuation roll to show special districts) brought up and read the first time, as follows:—

"(1.) The assessor of a county in making up the valuation roll of the county shall distinguish in the valuation roll lands and heritages situated within the boundaries of each police

police burgh, each special water supply and special drainage district, each special district formed under Section sixty-two of this Act, and any part of a parish for which a landward committee is constituted in terms of this Act.

"(2.) The provisions of Section five of the Valuation of Lands (Scotland) Act, 1867, as extended by the Valuation of Lands (Scotland) Amendment Act, 1887, with regard to separate valuations of portions of railways, waterworks, gasworks, and other undertakings included within the limits of burghs, towns, or populous places, shall extend to counties outwith the boundaries of police burghs in like manner as if they were herein re-enacted with the substitution of the expression 'county clerk' for 'town clerk, or clerk of the commissioners, or trustees of police,' and of 'special water supply district, special drainage district, special district formed under Section sixty-two of the Local Government (Scotland) Act, 1894, and any part of a parish for which a landward committee is constituted in terms of the said Act,' for 'burghs, towns, and populous places'"—(Mr. *Donald Crawford*).—Clause read a second time and added to the Bill.

Another new Clause (Public bathing), brought up and read the first time, as follows:—

"The provisions of Sections three hundred to three hundred and two, inclusive, of the Burgh Police (Scotland) Act, 1892, relative to public bathing shall extend to counties in like manner as if they were herein re-enacted; and in construing those sections the same shall be read as if 'parish council' was inserted therein in place of 'magistrates' and 'commissioners' respectively"—(Mr. *Stephen Williamson*).—Question proposed, That the Clause be read a second time.

New Clause, by leave, *withdrawn*.

Another new Clause (Powers to heirs of entail to grant land belonging to an entailed estate), brought up and read the first time, as follows: –

"Any heir of entail in possession of land in Scotland, and the trustee, tutor, and curator of such heir of entail, if in minority or subject to any legal incapacity, may give and grant to a parish council, or to the Commissioners of a police burgh, land belonging to the entailed estate to be used for public recreation, but not exceeding in the whole twenty acres: Provided that no such grant shall be effectual unless the heir of entail next in succession of lawful age shall consent thereto; and the land so given and granted shall not be liable to nor affected by any other rights, titles, trusts, interests or incumbrances to, in, or upon the same whatsoever, and such heir of entail shall not thereby be subject to nor incur any forfeiture or irritancy under the entail thereof: Provided always, that such land shall not be within half a mile of the mansion house in the natural possession of the proprietor, or part of any gardens, orchards, or enclosures adjacent to the mansion house which have usually been in the natural possession of the proprietor"—(Mr. *Cochrane*).—Clause read a second time, and added to the Bill.

Another new Clause (Amalgamation of Edinburgh parishes), brought up and read the first time, as follows:

"For the purposes of this Act—

"(1.) The parishes mentioned in the Sixth Schedule, so far as the same are situate within the city and royal burgh of Edinburgh, shall be and are hereby united into one parish under the name and designation of the city parish of Edinburgh, and which united parish shall be and be deemed to be a burghal parish;

"(2.) The parts of the parishes mentioned in the Sixth Schedule, so far as the same are situate beyond the city and royal burgh of Edinburgh, shall be grouped with or annexed to any adjoining parish or parishes, so that as far as conveniently may be the boundaries of any such parishes as are situate within a burgh may be the same as the boundaries of such burgh;

"(3.) The board shall, as soon as conveniently may be after the passing of this Act, proceed to inquire into the circumstances of the parts of the said parishes hereby authorised to be grouped with or united to other parishes, and, subject to the provisions of this section, the Board shall by order group or unite such parts of the said parishes in such way and manner as they in their absolute discretion shall see fit;

"(4.) Before making any order under this section, the Board shall consult with the authorities concerned, and shall cause the proposed order to be published in the 'Edinburgh Gazette,' and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and shall thereafter cause such order to be published in the 'Edinburgh Gazette,' and in such other way and manner as the Board shall direct;

"(5.) The Board may also by any such order provide for the abolition, restriction, establishment, or extension of the jurisdiction of any authority or person in or over part of the area of any parish affected by the order, and for the adjustment and alteration of boundaries, and may deal with the powers and rights of authorities or persons therein, and may also make provision for

meeting any liabilities which may arise in consequence of such order, and may settle all questions and liabilities arising between the parishes affected by the order in relation to any of the matters therein contained;

"(6.) The Board may at any time, and from time to time, on a representation made to the Board by or on behalf of any municipal or county authority interested adjust, rearrange, or extend the boundaries of any parish, so that as nearly as may be the boundaries of every burghal parish shall be the same as the boundaries of the burgh;

"(7.) Nothing in this Section shall affect the existing division of parishes for ecclesiastical purposes, or any question of chargeability between parishes pending at the date of the passing of this Act"

—(Mr. *Robert Wallace*).—Question, That the Clause be read a second time,—put, and *negatived.*

Another new Clause (Unification of parishes), brought up and read the first time, as follows:

"For the purposes of this Act and of the principal Act all parishes shall be and are hereby divided into burghal parishes and county parishes, and for effecting such division the following provisions shall have effect (that is to say):

"(1.) In every burgh, including police burghs, containing a population of not less than seven thousand, there shall be one parish, and the boundaries of every such burgh shall be the boundaries of the burghal parish, and the name of the burgh shall be the name of the parish within the burgh;

"(2.) Where in any such burgh there are two or more parishes, such parishes shall, so far as situate within the burgh, be and are hereby grouped into one burghal parish;

"(3.) Parishes other than burghal parishes as herein defined shall be county parishes, and shall be wholly situate within the boundaries of each county;

"(4.) County parishes may in the discretion of the Board be grouped or united or rearranged or divided as the Board, after such inquiry as they deem necessary, may determine;

"(5.) In burghal parishes the town council or burgh commissioners as the case may be, and in county parishes the county council, shall, but subject in the case of county parishes to the powers by this Act conferred on parish councils, be entrusted with the management of the administrative and financial business of each parish;

"(6.) In burghal parishes the town council or the burgh commissioners as the case may be shall be the parish council;

"(7.) For the purpose of the grouping, uniting, rearrangement, and division of county parishes as herein provided, the Board shall, as soon as conveniently may be after the passing of this Act, proceed to inquire into the circumstances of county parishes as herein defined, in so far as the Board may deem it necessary or expedient so to do, and, subject to the provisions of this section, shall by order fix and determine the number of county parishes in each county, and may in their discretion group or unite or rearrange or divide, or otherwise deal with county parishes for the purpose of better securing the more convenient and economical management and administration of such parishes under this Act;

"(8.) The Board may by any such order also provide for the abolition, restriction, establishment, or extension of the jurisdiction of any authority or person in or over any part of the area of any parishes affected by the order and for the adjustment or alteration of boundaries, and may deal with the powers and rights of authorities or persons therein, and with any office therein, and may also make provision for meeting any liabilities which may arise in consequence of such order, and may settle all questions of liability arising between parishes in relation to any of the matters affected by any such order;

"(9.) Before making an order under this section the Board shall consult with the authorities concerned, and shall cause the proposed order to be published in the 'Edinburgh Gazette,' and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and shall thereafter make the order, and cause the same to be forthwith published in the 'Edinburgh Gazette,' and once in each of two successive weeks in some one and the same newspaper circulating in the district;

"(10.) Nothing herein contained shall affect the existing division of parishes for ecclesiastical purposes, nor any question of chargeability between parishes pending at the date of the passing of this Act"

—(Captain *Hope*).—Question, That the Clause be read a second time,—put, and *negatived.*

Another

Another new Clause (Farm servants' holidays), brought up and read the first time, as follows :—

"After the expiration of one year from the passiug of this Act the parish council shall have power to fix for the ensuing year for persons working as farm servants in the parish, and from year to year to vary, whole holidays not exceeding four, and half holidays commencing at noon, and not exceeding forty in number in any one year.

"Provided always, not more than one half holiday shall be so fixed for any one week.

"Provided further, that such holidays and half holidays, if any, so fixed shall be deemed to be excluded from the operation of any contract of hiring for any period exceeding one month under which any person working as aforesaid shall serve"—(Mr. *Napier*).—Question put, That the Clause be read a second time.—The Committee divided :

Ayes, 15.	Noes, 20.
Mr. Asher.	Mr. Anstruther.
Mr. Birrell.	Mr. Baird.
Mr. Buchanan.	Mr. J. B. Balfour.
Mr. Caldwell.	Mr. Beith.
Sir James Carmichael.	Mr. Campbell.
Dr. Clark.	Mr. Cochrane.
Sir John Leng.	Mr. Cameron Corbett.
Dr. MacGregor.	Mr. Donald Crawford.
Mr. Napier.	Sir Charles Dalrymple.
Captain John Sinclair.	Major Darwin.
Mr. H. Smith.	Mr. M'Ewan.
Mr. H. J. Tennant.	Mr. Maxwell.
Mr. Wason.	Mr. Paul.
Sir William Wedderburn.	Mr. Renshaw.
Mr. Weir.	Mr. T. Shaw.
	Mr. J. Parker Smith.
	Sir George Trevelyan.
	Mr. G. A. Whitelaw.
	Mr. Stephen Williamson.
	Mr. John Wilson (Lanark).

Another new Clause (Roads and bridges), brought up and read the first time, as follows :—

"Upon the application of the parish council of a landward parish, or the landward committee of a parish which is partly landward and partly burghal, it shall be lawful for the district committee, subject to the approval of the county road board and the county council, or, where a county is not divided into districts, it shall be lawful for the county council to construct any new road or bridge, subject to the condition that the expense of such construction and of the management, maintenance, and repair of such road or bridge, as certified by the county clerk, shall be a debt from the parish council or landward committee, as the case may be, to the county council, and in such case the expense of such construction, management, maintenance, and repair shall be a charge upon the special parish rate of the parish, and such construction shall be deemed to take place under Section fifty-eight of the Roads and Bridges (Scotland) Act 1878."—(Mr. *Tennant*).—Question put, That the Clause be read a second time.—The Committee divided :

Ayes, 22.	Noes, 15.
Mr. Asher.	Mr. Baird.
Mr. J. B. Balfour.	Mr. Caldwell.
Mr. Beith.	Mr. Campbell.
Mr. A. Birrell.	Mr. Cochrane.
Mr. Buchanan.	Mr. Cameron Corbett.
Sir James Carmichael.	Sir Charles Dalrymple.
Dr. Clark.	Major Darwin.
Mr. Hunter.	Captain Hope.
Sir John Leng.	Mr. Hozier.
Sir Donald Macfarlane.	Mr. Maxwell.
Dr. MacGregor.	Sir H. Maxwell.
Mr. M'Ewan.	Sir Charles Pearson.
Mr. Paul.	Mr. Renshaw.
Mr. T. Shaw.	Mr. J. Parker Smith.
Captain John Sinclair.	Mr. G. A. Whitelaw.
Mr. H. J. Tennant.	
Sir George Trevelyan.	
Mr. Wason.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark),	

Question put, That the Clause be added to the Bill.—The Committee divided:

Ayes, 22.	Noes, 17.
Mr. Asher.	Mr. Anstruther.
Mr. J. B. Balfour.	Mr. Baird.
Mr. Beith.	Mr. Caldwell.
Mr. Birrell.	Mr. Campbell.
Mr. Buchanan.	Mr. Cochrane.
Sir James Carmichael.	Mr. Cameron Corbett.
Dr. Clark.	Sir Charles Dalrymple.
Mr. Dunn.	Major Darwin.
Mr. Hunter.	Captain Hope.
Sir John Leng.	Mr. Hozier.
Sir Donald Macfarlane.	Mr. Maxwell.
Dr. MacGregor.	Sir H. Maxwell.
Mr. M'Ewan.	Sir Charles Pearson.
Mr. Paul.	Mr. Renshaw.
Mr. T. Shaw.	Mr. J. Parker Smith.
Captain John Sinclair.	Sir Mark Stewart.
Mr. H. J. Tennant.	Mr. G. A. Whitelaw.
Sir George Trevelyan.	
Sir William Wedderburn.	
Mr. Weir.	
Mr. Stephen Williamson.	
Mr. John Wilson (Lanark).	

Another new Clause (Power to parish councils to acquire salmon fishings), brought up and read the first time, as follows:—

"That parish councils, either singly or in combination with other parishes, may acquire the control and management by leasing or renting, or in such other way as may be agreed on, of all salmon fishings within its or their area, whether belonging to the Crown or private individuals, with power to issue licences for rod or line; and, in case of disagreement, the matter to be referred to arbitration"—(Dr. *MacGregor*).—Question, That the Clause be read a second time, —put, and *negatived*.

Schedules 1—3 amended, and *agreed to*.

New Schedule (Sir *George Trevelyan*), brought up and read the first and second time, and added to the Bill.

Ordered, To Report the Bill, as amended, to the House.

REPORT

FROM THE

STANDING COMMITTEE (SCOTLAND)

ON THE

LOCAL GOVERNMENT (SCOTLAND) BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1894.

[*Price 7d.*]

243. *Under 7 oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCOMOTIVE THRESHING ENGINES BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
20 *June* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

180.

LOCOMOTIVE THRESHING ENGINES BILL.

Ordered,—[*Wednesday*, 23*rd May* 1894]:—THAT the Bill be committed to a Select Committee.

Committee nominated—[*Thursday*, 7*th June* 1894]—of—

Sir Alexander Acland-Hood.	Sir John Kennaway.
Mr. Everett.	Sir John Kinloch.
Sir Walter Foster.	Mr. Strachey.
Mr. Jeffreys.	

THAT Three be the Quorum.

REPORT - - - - - - - - - - - - - - - p iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

REPORT.

THE SELECT COMMITTEE to whom the LOCOMOTIVE THRESHING ENGINES BILL was referred, have considered the said Bill, which they have agreed to REPORT to the House; and have gone through the Bill, and made an Amendment thereunto.

20 *June* 1894.

PROCEEDINGS OF THE COMMITTEE.

Wednesday, 13*th June* 1894.

MEMBERS PRESENT:

Mr. Everett.	Sir Walter Foster.
Sir John Kinloch.	Sir Alexander Acland-Hood,
Sir John Kennaway.	

Sir WALTER FOSTER was called to the Chair.

Committee deliberated.

Committee adjourned until Wednesday next, at half-past Three o'clock.

Wednesday, 20*th June* 1894.

MEMBERS PRESENT:

Sir WALTER FOSTER in the Chair.

Sir John Kinloch.	Mr. Everett.
Mr. Strachey.	Sir John Kennaway.
Sir Alexander Acland-Hood.	

LOCOMOTIVE THRESHING ENGINES BILL.

Preamble postponed.

Clause 1, *agreed to.*

Clause 2, amended, and *agreed to.*

Preamble, *agreed to.*

Ordered, To Report the Bill, as amended, to the House.

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCOMOTIVE THRESHING ENGINES BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1894.

[*Price* 1 *d.*]

180. *Under* 1 *oz.*

REPORTS

FROM THE

SELECT COMMITTEE

ON

LONDON STREETS AND BUILDINGS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

208.

London Streets and Buildings Bill.

Ordered,—[*Thursday, 5th April* 1894]:—That the Order for Committal be read, and discharged.

That the Bill be committed to a Select Committee of Eleven Members, Six to be nominated by the House and Five by the Committee of Selection.

That all Petitions against the Bill presented six clear days before the meeting of the Committee be referred to the Committee; and that such of the Petitioners as pray to be heard by themselves, their Counsel, Agents, or Witnesses, be heard on their Petitions against the Bill, if they think fit, and Counsel heard in support of the Bill against such Petitioners.

That the Committee have power to send for Persons, Papers, and Records.

That Seven be the Quorum of the Committee.

Committee nominated of—

Mr. Kimber.
Dr. Hunter.
Mr. Lough.
Captain Sinclair.
Mr. Whitmore.
Mr. Stuart-Wortley.

Nominated by the House.
[*Monday*, 16*th April* 1894.]

Sir George Chesney.
Mr. Tatton Egerton.
Sir Francis Evans.
Mr. G. W. Palmer.
Mr. F. S. Stevenson.

Added by the Committee of Selection.
[*Tuesday*, 17*th April* 1894.]

Mr. F. S. Stevenson is discharged.
Mr. Barran is added to the Committee.

Committee of Selection.
[20*th April* 1894.]

Ordered,—[*Monday*, 23*rd April* 1894]:—That Mr. Kimber be discharged and Mr. P. M. Thornton be added to the Committee on London Streets and Buildings Bill.

[18*th June* 1894]:—Order [5*th April*]:—That Seven be the Quorum of the Select Committee on the London Streets and Buildings Bill, read, and discharged.

Ordered, That Five be the Quorum of the Committee.

Ordered,—[*Wednesday*, 20*th June* 1894]:—That the London Streets and Buildings Bill be re-committed to the former Committee, and that the Committee have leave to sit and proceed upon Tuesday next.

REPORTS - - - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - - p. iv

REPORT

FROM THE SELECT COMMITTEE ON THE LONDON STREETS AND BUILDINGS BILL.

Mr. *Stuart-Wortley* reported from the Select Committee to whom the London Streets and Buildings Bill was referred: That they had agreed to the following REPORT:—

That a Report from the Home Office had been considered by the Committee, and that they had adopted such of the recommendations therein contained as appeared applicable to the case as submitted to them.

That there are no other circumstances of which, in the opinion of the Committee, it is desirable that the House should be informed.

Mr. *Stuart-Wortley* further reported from the Committee:—

That they had examined the allegations contained in the Preamble of the Bill, and found the same, as amended, to be true; and had gone through the Bill, and made Amendments thereunto.

19 *June* 1894.

REPORT

FROM THE SELECT COMMITTEE ON THE LONDON STREETS AND BUILDINGS (RE-COMMITTED) BILL.

Mr. *Stuart-Wortley* reported from the Select Committee to whom the London Streets and Buildings (Re-committed) Bill was referred that they had made further Amendments thereto, and had agreed to the following REPORT:—

That a Report from the Home Office on the Bill, dated the 27th April 1894, together with a Supplemental Report, dated the 13th June 1894, were laid before the Committee.

As regards the Clauses referred to in these Reports:

Clauses 139 and 164 were withdrawn by the Promoters.

Clauses 136, 150, 179, and 180 were, in various ways, amended and modified.

As regards Clause 144:

After considering the existing enactments, which will be consolidated or re-enacted under the Bill, the Committee were of opinion that this Clause might be allowed.

That there are no other circumstances of which, in the opinion of the Committee, it is desirable that the House should be informed.

Mr. *Stuart-Wortley* further reported from the Committee:—

That they had amended the Preamble of the Bill by striking out the recital therein as to proceedings under repealed Acts, the Clause relating thereto having been withdrawn, and had found the same, as amended, to be true; and had gone through the Bill, and made Amendments thereunto.

9 *July* 1894.

PROCEEDINGS OF THE COMMITTEE

Friday, 20*th April* 1894.

MEMBERS PRESENT:

Mr. Stuart-Wortley.	Mr. Lough.
Mr. Tatton Egerton.	Mr. G. W. Palmer.
Sir George Chesney.	Sir Francis Evans.
Captain Sinclair.	Dr. Hunter.

Mr. STUART-WORTLEY was called to the Chair.

The Committee deliberated.

[Adjourned till Monday, 30th April, at Twelve o'clock.

Monday, 30*th April* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Sir George Chesney.
Dr. Hunter.	Captain Sinclair.
Mr. Barran.	Mr. P. M. Thornton.
Sir Francis Evans.	Mr. G. W. Palmer.
Mr. Whitmore.	Mr. Lough.

LONDON STREETS AND BUILDINGS BILL.

Counsel:—Mr. *C. A. Cripps*, Q.C., Mr. *Freeman*, and Mr. *F. W. Pember*.
Agents:—Messrs. *Dyson & Co.*

Petitions against the Bill read.

1. Commissioners of Sewers of the City of London.

   Counsel:—Mr. *Pember*, Q.C., and Mr. *Russell Griffiths*.
   Agents:—Messrs. *Wyatt & Co.*

   Gas Light and Coke Company.

   Counsel:—Mr. *Pope*, Q.C., and Mr. *Danckwerts*.
   Agents:—Messrs. *Wyatt & Co.*

3. Ecclesiastical Commissioners for England.

   Counsel:—Mr. *Danckwerts*.
   Agents:—Messrs. *Jennings, White, Miller & Co.*

4. Vestry of Chelsea.

   Agent:—Mr. *Thomas Holland*.

5. London, Tilbury, and Southend Railway Company.

   Counsel:—Reserved.
   Agents:—Messrs. *F. C. Mathews, Browne & Co.*

6. Great Northern Railway Company.

   Counsel:—Reserved.
   Agents:—Messrs. *Nelson, Barr & Nelson*.

7. London Billposters' Protection Association, Limited.
   Counsel :—Mr. *Hammond Chambers.*
   Agent :—Mr. *H. W. Mote.*

8. Wickens, Pease & Co.
   Counsel :—Reserved.
   Agents :—Messrs. *Sherwood & Co.*

9. Vestry of St. Marylebone.
   Counsel :—Reserved.
   Agents :—Messrs. *Sherwood.*

10. Associated Landowners and others.
    Counsel :—Mr. *Littler,* Q.C., and Lord *Robert Cecil.*
    Agent :—Messrs. *Sherwood.*

11. Owners, Lessees, and Occupiers of Lands and Buildings in London.
    Counsel :—Mr. *J. P. Grain.*
    Agents :—Messrs. *Sherwood & Co.*

12. Great Eastern Railway Company.
    Counsel :—Reserved.
    Agent :—Mr. *E. Moore.*

13. Hon. Society of Lincoln's Inn.
    Counsel :—Mr *Russell Griffiths.*
    Agents :—Messrs. *Sherwood & Co.*

14. Metropolitan Railway Company.
    Counsel :—Reserved.
    Agent :—Mr. *C. A. Mason.*

15. Surveyors' Institution.
    Counsel :—Mr. *Pope,* Q.C., and Mr. *Castle,* Q.C.
    Agents :—Messrs. *Rees & Frere.*

16. Surrey Commercial Dock Company.
    Counsel :—Mr. *Baggallay.*
    Agents :—Messrs. *Rees & Frere.*

17. Duke of Westminster.
    Counsel :—Mr. *Russell Griffith.*
    Agents :—Messrs. *Rees & Frere.*

18. London, Brighton, and South Coast Railway Company.
    Counsel :—Reserved.
    Agents : - Messrs. *Rees & Frere.*

19. London and India Docks Joint Committee.
    Counsel :—Reserved.
    Agents :—Messrs. *Rees & Frere.*

20. Great Western Railway Company.
    Counsel :—Reserved.
    Agent :—Mr. *James Mains.*

21. Corporation of London.
    Counsel :—Mr. *Littler*, Q.C., and Mr. *Rigg*.
    Agent :—Mr. *G. Prior Goldney*.

22. District Surveyors' Association, London.
    Counsel :—Reserved.
    Agents :—Messrs. *Loch & Co*.

23. Architectural Association, London.
    Counsel :—Reserved.
    Agents :—Messrs. *Loch & Co*.

24. Royal Institute of British Architects.
    Counsel :—Reserved.
    Agents :—Messrs. *Loch & Co*.

25. Crystal Palace District Gas Company.
    Counsel :—Mr. *Balfour Browne*, Q.C., and Mr. *Batten*.
    Agents :—Messrs. *Blyth, Wilkins & Co*.

26. London and North Western Railway Company.
    Counsel :—Mr. *Pope*, Q.C., Mr. *Littler*, Q.C., and Mr. *Moon*.
    Agent :—Mr. *C. H. Mason*.

27. Poplar District Board of Works.
    Counsel :—Mr. *Reader Harris*.
    Agents :—Messrs. *Durnford & Co*.

28. School Board for London.
    Counsel :—Mr. *Rigg*.
    Agent :—Mr. *C. E. Mortimer*.

29. London Chamber of Commerce.
    Counsel :—Mr. *Blennerhasset*, Q.C., and Mr. *Austin Jenkin*.
    Agent :—Mr. *A. Beveridge*.

30. Midland Railway Company.
    Counsel :—Reserved.
    Agents :—Messrs. *Beale & Co*.

31. South Eastern Railway Company.
    Counsel :—Reserved.
    Agents :—Messrs. *Cooper & Sons*.

32. South Metropolitan Gas Company.
    Counsel :—Mr. *Castle*, Q.C.
    Agents :—Messrs. *Cooper & Sons*.

33. Commercial Gas Company.
    Counsel :—Reserved.
    Agents :—Messrs. *Cooper & Sons*.

34. Wandsworth and Putney Gas Light and Coke Company.
    Counsel :—Reserved.
    Agents :—Messrs. *Cooper & Sons*.

35. London and South Western Railway Company.

Counsel :—Reserved.

Agents :—Messrs. *Bircham.*

36. Strand District Board of Works.

Counsel :—Reserved.

Agents :—Messrs. *Bircham.*

37. North London Railway Company.

Counsel :—Reserved.

Agents :—Messrs. *Paine, Blyth, & Huxtable.*

38. Institute of Builders.

Counsel :—Mr. *Radcliffe.*

Agents :—Messrs. *Martin & Leslie.*

39. London, Chatham, and Dover Railway Company.

Counsel :—Mr. *Pope,* Q.C., and Mr. *Pember,* Q.C.

Agents :—Messrs. *Martin & Leslie.*

40. Metropolitan District Railway Company.

Counsel :—Reserved.

Agents :—Messrs. *Martin & Leslie.*

Preamble read the first time.

Mr. *Cripps,* Q.C., was heard in support of the Preamble of the Bill.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 3rd May 1894.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Dr. Hunter.	Mr. Whitmore.
Captain Sinclair.	Mr. P. M. Thornton.
Sir George Chesney.	Mr. Lough.
Mr. Tatton Egerton.	Mr. Barran.
Mr. G. W. Palmer.	

LONDON STREETS AND BUILDINGS BILL.

Mr. *Cockburn* was heard to apply on behalf of the Vestry of Hammersmith that they might be heard by their Counsel and Agents in support of their Petition against the Bill, which, owing to an accident, was not presented in time to be heard by the Committee.

The Committee granted the application.

41. Vestry of Hammersmith.

Agent :—Mr. *P. Cockburn.*

Mr. *Cripps,* Q.C., called evidence in support of the Preamble of the Bill.

Dr. *George Longstaff,* sworn, and examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 7th May 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Dr. Hunter.
Mr. Barran.
Mr. P. M. Thornton.
Sir George Chesney.
Mr. Tatton Egerton.
Mr. G. W. Palmer.
Mr. Whitmore.
Captain Sinclair.
Mr. Lough.

Dr. *George Longstaff*, further examined.

[Adjourned till Thursday, 24th May, at Twelve o'clock.

Thursday, 24th May 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.
Mr. Whitmore.
Mr. P. M. Thornton.
Mr. Barran.
Sir Francis Evans.
Mr. G. W. Palmer.
Dr. Hunter.
Captain Sinclair.
Mr. Lough.

In support of the Petition of the Duke of Westminster—

Mr. *Eustace Balfour*, sworn, and examined.

In support of the Petition of the Ecclesiastical Commissioners of England—

Mr. *Ralph Clutton*, sworn, and examined.

In support of the Petition of the Associated Landowners and others—

Mr. *Arthur Garrard*, sworn, and examined.

Mr. *Henry Stock*, sworn, and examined.

In support of the Petition of the Corporation of London—

Mr. *Andrew Murray*, sworn, and examined.

Evidence in support of the Bill continued.

Mr. *Thomas Blashill*, sworn, and examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 28th May 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.
Mr. P. M. Thornton.
Dr. Hunter.
Sir George Chesney.
Sir Francis Evans.
Mr. Whitmore.
Mr. G. W. Palmer.
Mr. Barran.
Captain Sinclair.
Mr. Lough.

Clauses considered.

Clause 7*a* (As to compensation in certain cases).—Amendment proposed by Mr. *Danckwerts*,

on

on behalf of the Petition of the Ecclesiastical Commissioners against the Bill, in line 25, to leave out from the word "over" to the word "buildings," in line 27.

Room cleared.

Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 6.	Noes, 4.
Dr. Hunter.	Mr. Tatton Egerton.
Sir George Chesney.	Mr. Whitmore.
Sir Francis Evans.	Mr. Barran.
Mr. G. W. Palmer.	Mr. P. M. Thornton.
Captain Sinclair.	
Mr. Lough.	

Parties called in, and informed of the decision of the Committee.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 31*st May* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. Barran.
Sir George Chesney.	Sir Francis Evans.
Mr. P. M. Thornton.	Mr. Whitmore.
Mr. G. W. Palmer.	Mr. Lough.
Captain Sinclair.	Dr. Hunter.

Clauses further considered.

Evidence in support of the Bill continued.

Dr. *George Longstaff*, further examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 4*th June* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Dr. Hunter.
Mr. P. M. Thornton.	Captain Sinclair.
Sir Francis Evans.	Mr. Lough.
Mr. G. W. Palmer.	Mr. Barran.
Mr. Whitmore.	

Clauses further considered.

In support of the Petition of the Associated Landowners and others—

Mr. *Robert Joseph Dickins*, sworn, and examined.

Mr. *Arthur Garrard*, further examined.

Mr. *Daniel Cubitt Nicholls*, sworn, and examined.

Clause 9 (Position of new buildings with reference to streets).—Amendment proposed by Mr. *Pope*, Q.C., on behalf of the Institute of Surveyors, in line 30, page 9, to leave out from the words "Provided always" to the end of the Clause.

Room cleared.

Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 6.	Noes, 3.
Sir George Chesney.	Mr. Barran.
Sir Francis Evans.	Mr. P. M. Thornton.
Dr. Hunter.	Mr. Whitmore.
Mr. Lough.	
Mr. G. W. Palmer.	
Captain Sinclair.	

Parties called in, and informed of the decision of the Committee

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 5th June 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Mr. Tatton Egerton.
Mr. G. W. Palmer.	Mr. Whitmore.
Mr. Barran.	Mr. Lough.
Mr. P. M. Thornton.	Dr. Hunter.

Clauses further considered.

In support of the Petition of the Duke of Westminster against the Bill—

Mr. *Eustace Balfour*, further examined.

Mr. *William Douglas Caröe*, sworn, and examined.

Clause 14.—Amendment proposed by Mr. *Lyttelton* and Mr *Rigg*, on behalf of the Petitions of the Duke of Westminster and the Corporation of London against the Bill, in page 10, to leave out Clause 14.

Room cleared.

Question put, That Clause 14 stand part of the Bill.—The Committee divided:

Ayes, 3.	Noes, 5.
Sir George Chesney.	Mr. Barran.
Dr. Hunter.	Mr. Tatton Egerton.
Mr. Lough.	Mr. G. W. Palmer.
	Mr. P. M. Thornton.
	Mr. Whitmore.

Parties called in, and informed of the decision of the Committee.

Clause 7*a* (As to compensation in certain cases).—Amendment proposed by Lord *Robert Cecil*, on behalf of the Petition of the Associated Landowners and others against the Bill, to leave out, on page C, line 17, from the words "Provided that" to the words "prescribed distance," in line 21.

Room cleared.

Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 2.	Noes, 6.
Dr. Hunter.	Mr. Barran.
Mr. Longh.	Sir George Chesney.
	Mr. Tatton Egerton.
	Mr. G. W. Palmer.
	Mr. P. M. Thornton.
	Mr. Whitmore.

Parties called in, and informed of the decision of the Committee.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 7th June 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Mr. P. M. Thornton.
Mr. G. W. Palmer.	Mr. Barran.
Mr. Whitmore.	Captain Sinclair.
Mr. Tatton Egerton.	Dr. Hunter.

Clauses further considered.

Evidence in support of the Bill, continued—

Dr. *George Longstaffe*, further examined.

Mr. *John Marsden*, sworn, and examined.

Mr. *Thomas Blashill*, further examined.

In support of the Petition of the Associated Landowners and others—

Mr. *Charles Fowler*, sworn, and examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 11th June 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Mr. G. W. Palmer.
Mr. Tatton Egerton.	Captain Sinclair.
Mr. Whitmore.	Mr. Lough.
Mr. Barran.	Dr. Hunter.

Clauses further considered.

Evidence in support of the Bill, continued—

Dr. *George Longstaffe*, further examined.

Dr. *Shirley Murphy*, sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 12th June 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Barran.	Captain Sinclair.
Mr. G. W. Palmer.	Mr. P. M. Thornton.
Sir George Chesney.	Mr. Whitmore.
Mr. Tatton Egerton.	Mr. Lough.

In support of the Petition of the Architectural Association (London) against the Bill-

Mr. *William Douglas Caröe*, further examined.

In support of the Bill—

Captain *James Simmonds*, sworn, and examined.

In support of the Petition of the Architectural Association (London) against the Bill—

Mr. *Henry Percy Boulnois*, sworn, and examined.

Mr. *William Goldstraw*, sworn, and examined.

Mr. *George Hayward Trollope*, sworn, and examined.

Mr. *Eustace Balfour*, further examined.

In support of the Petition of the Associated Landowners and others—

Mr. *Charles Fowler*, further examined.

In support of the Bill—

Dr. *George Longstaffe*, further examined.

In support of the Petition of the Associated Landowners and others—

Mr. *George Hayward Trollope*, further examined.

Mr. *Eustace Balfour*, further examined.

In support of the Bill—

Mr. *William Blaxland*, sworn, and examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. Barran.
Sir George Chesney.	Dr. Hunter.
Mr. Whitmore.	Captain Sinclair.
Mr. G. W. Palmer.	Mr. P. M. Thornton.
Mr. Lough.	

Clauses further considered.

In support of the Bill—

Dr. *George Longstaffe*, further examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 18*th June* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. Whitmore.
Sir George Chesney.	Captain Sinclair.
Dr. Hunter.	Mr. Lough.
Mr. G. W. Palmer.	

Clauses further considered.

In support of the Bill—

Dr. *George Longstaffe*, further examined.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 19*th June* 1894.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Captain Sinclair.
Mr. Whitmore.	Mr. G. W. Palmer.
Mr. Barran.	Mr. Lough.
Sir George Chesney.	

Clauses further considered.

In support of the Bill—

Dr. *George Longstaffe*, further examined.

Mr. *William A. Blaxland*, further examined.

Preamble read a second time.

Question, That the Preamble is proved,—put, and *agreed to.*

Ordered, To Report.

RE-COMMITTED BILL.

Tuesday, 26*th June* 1894.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Mr. Tatton Egerton.
Mr. Barran.	Mr. Whitmore.
Mr. G. W. Palmer.	Mr. Lough.
Captain Sinclair.	

Order of the House, Wednesday, 20th June 1894, read, as follows : That the London Streets and Buildings Bill be re-committed to the former Committee, and that the Committee have leave to sit and proceed upon Tuesday next.

Clauses considered.

In support of the Bill—

Mr. *Frederick William Porter*, sworn, and examined.

Mr. *Charles Jackson*, sworn, and examined.

Sir *Eyre Massey Shaw*, K.C.B., sworn, and examined.

Mr. *James Sheppard*, sworn.

In support of the Petition of the Duke of Westminster—

Mr. *John Willis*, sworn, and examined.

[Adjourned till Thursday next, at Eleven o'clock.

Thursday, 28*th June* 1894.

MEMBERS PRESENT :

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Dr. Hunter.
Mr. G. W. Palmer.	Captain Sinclair.
Mr. Barran.	Mr. Whitmore.
Sir George Chesney.	Mr. Lough.

Clauses further considered.

In support of the Bill—

Mr. *Henry Cripps*, sworn, and examined.

Dr. *George Longstaffe*, further examined.

[Adjourned till To-morrow, at Eleven o'clock.

Friday, 29th June 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Sir George Chesney.	Mr. Tatton Egerton.
Mr. G. W. Palmer.	Captain Sinclair.
Dr. Hunter.	Mr. Barran.

Clauses further considered.

Dr. *George Longstaffe*, further examined.

Mr. *Shirley Murphy*, further examined.

Dr. *Arthur Ransome*, sworn, and examined.

Dr. *Marshall Ward*, sworn, and examined.

Mr. *William Goldstraw*, further examined.

[Adjourned till Monday next, at Eleven o'clock.

Monday, 2nd July 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. G. W. Palmer.
Sir George Chesney.	Captain Sinclair.
Mr. P. M. Thornton.	Dr. Hunter.
Mr. Barran.	Mr. Lough.

Clauses further considered.

In support of the Bill—

Mr. *William Wallace Bruce*, sworn, and examined.

Mr. *Shirley Murphy*, further examined.

In support of the Petition of the Ecclesiastical Commissioners against the Bill—

Mr. *Ralph Clutton*, further examined.

Mr. *Arthur Cates*, sworn, and examined.

In support of the Petition of Associated Landowners and others—

Mr. *Charles Fowler*, further examined.

Mr. *Richard Marsh*, sworn, and examined.

Mr. *Richard Dickens*, further examined.

Mr. *George Hayward Trollope*, further examined.

In support of the Petition of the Duke of Westminster—

Mr. *William Douglas Caröe*, further examined.

Mr. *Daniel Cubitt Nicholls*, further examined.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 3*rd July* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. Whitmore.
Mr. G. W. Palmer.	Mr. P. M. Thornton.
Mr. Barran.	Mr. Lough.

Clauses 32–34, 36, and 38, considered.

In support of the Petition of the Duke of Westminster against the Bill—

Mr. *Eustace Balfour*, further examined.

In support of the Petition of the Corporation of London—

Mr. *Alexander Rose Stenning*, sworn, and examined.

On Clauses 32–34, 36, and 38—

Mr. *Danckwerts* was heard in support of the Petition of the Ecclesiastical Commissioners—

Mr. *Pope*, Q.C., was heard in support of the Petition of the Surveyors' Institute—

Mr. *Russell Griffiths* was heard in support of the Petition of the Duke of Westminster.

Mr. *Grain* was heard in support of the Petition of the Owners, Lessees, and Occupiers of Lands and Buildings in London.

Mr. *Littler*, Q.C., was heard in support of the Petitions of the Corporation of London and of the Associated Landowners and others.

Mr. *Cripps*, Q.C., was heard in answer in support of the Bill.

Further consideration of Clauses 32–34, 36, and 38, postponed.

Clause 39, considered.

In support of the Petition of the Commissioners of Sewers—

Mr. *William Douglas Caröe*, further examined.

In support of the Petition of the Associated Landowners.

Mr. *Richard Marsh*, further examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 5*th July* 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Dr. Hunter.
Mr. P. M. Thornton.	Mr. Lough.
Mr. Barran.	Captain Sinclair.
Sir George Chesney.	Mr. Whitmore.
Mr. G. W. Palmer.	

Clauses further considered.

In support of the Petition of the Duke of Westminster—

Mr. *William Douglas Caröe*, further examined.

Mr. *Charles Fowler*, further examined.

Mr. *Eustace Balfour*, further examined.

Mr. *Joseph Douglas Matthews*, sworn, and examined.

In support of the Bill—

Mr. *Thomas Blashill*, sworn, and examined.

[Adjourned till To-morrow, at Eleven o'clock.

Friday, 6th July 1894.

MEMBERS PRESENT:

Mr. STUART-WORTLEY in the Chair.

Mr. Tatton Egerton.	Mr. Barran.
Sir George Chesney.	Mr. G. W. Palmer.
Mr. P. M. Thornton.	Captain Sinclair.
Dr. Hunter.	

Postponed Clauses further considered and amended.

Clauses further considered.

In support of the Petition of the Institute of Builders—

Mr. *George Hayward Trollope*, further examined.

Mr. *Eustace Balfour*, further examined.

Mr. *Arthur Cates*, further examined.

In support of the Bill—

Mr. *Thomas Blashill*, further examined.

In support of the Petition of the Duke of Westminster—

Mr. *Eustace Balfour*, further examined.

In support of the Petition of the Associated Landowners and others—

Mr. *Richard Dickens*, further examined.

Mr. *Eustace Balfour*, further examined.

Preamble amended, and agreed to.

Report read, and agreed to.

Ordered: To Report the Bill as amended to the House.

REPORTS

FROM THE

SELECT COMMITTEE

ON THE

LONDON STREETS AND BUILDINGS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1894.

[*Price* 2½ *d.*]

208. *Under* 2 *oz.*

REPORT

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES,

ON THE

MARKET GARDENERS' COMPENSATION BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

197.

REPORT - - - - - - - - - - - - - - - - - p. 5

PROCEEDINGS OF THE COMMITTEE - - - - - - - - - p. 6

1894.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES.

[*Tuesday, 10th April* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had nominated the following Members to serve on the Standing Committee for the consideration of all Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures, which may, by Order of the House, be committed to such Standing Committee.

Committee nominated of—

Mr. Addison.
Mr. Arch.
Mr. Barran.
Sir Michael Hicks Beach.
Mr. Blake.
Mr. Bonsor.
Mr. Boord.
Mr. Brown.
Mr. Burt.
Mr. Caine.
Mr. Campbell-Bannerman.
Mr. Chamberlain.
Mr. Channing.
Mr. Jesse Collings.
Mr. Colman.
Sir Charles Dalrymple.
Baron Henry De Worms.
Sir Frederick Dixon-Hartland.
Mr. Everett.
Mr. Charles Fenwick.
Mr. Hayes Fisher.
Mr. Penrose FitzGerald.
Mr. Gilliat.
Sir Julian Goldsmid.
Mr. Goschen.
Mr. Gourley.
Sir Reginald Hanson.
Mr. Harrington.
Sir John Hibbert.
Sir William Houldsworth.
Mr. Howell.
Mr. Jackson.
Sir James Joicey.
Mr. Long.
Sir John Lubbock.
Mr. Macartney.
Dr. M'Donnell.
Mr. Mowbray.
Mr. Mundella.
Mr. Murray.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. T. P. O'Connor.
Mr. Oldroyd.
Sir Richard Paget.
Sir Joseph Pease.
Mr. Power.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Roche.
Mr. Round.
Colonel Saunderson.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. Samuel Smith.
Mr. Solicitor General.
Sir Mark Stewart.
Mr. T. D. Sullivan.
Mr. Tomlinson.
Sir George Trevelyan.
Sir Richard Webster.
Mr. Webster.
Sir James Whitehead.
Mr. Stephen Williamson.
Mr. C. H. Wilson.
Mr. John Wilson (Govan).
Mr. Young.

[*Friday, 13th April* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on

Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Sir John Lubbock and had appointed in substitution: Mr. Heneage.

[*Monday, 7th May* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Sir Richard Webster and Sir Michael Hicks Beach; and had appointed in substitution: Sir Edward Clarke and Mr. Bulnois.

[*Wednesday, 23rd May* 1894]:—That all Standing Committees have leave to print, and circulate with the Votes the Minutes of their Proceedings, and any amended clauses of Bills committed to them.

[*Friday, 25th May* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures:—Mr. Solicitor General; and had appointed in substitution: Mr. Robert Reid.

[*Friday, 25th May* 1894]:—Sir Henry James reported from the Chairman's Panel: That they had appointed Mr. Stansfeld to act as Chairman of the Standing Committee for the consideration of Bills relating to Law, and Courts of Justice, and Legal Procedure, in the place of Mr. Arthur O'Connor: and that they had appointed Mr. Arthur O'Connor to act as Chairman for the consideration of Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures: and that they had appointed Sir Matthew White Ridley to act as Chairman for the consideration of Bills committed to the Standing Committee (Scotland).

[*Friday, 1st June* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had added to the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures the following Fifteen Members, in respect of the Market Gardeners' Compensation Bill:—Mr. Baldwin, Mr. Bigwood, Mr. Chaplin, Mr. Conybeare, Sir William Hart Dyke, Sir Thomas Esmonde, Mr. Herbert Gardner, Mr. Hozier, Mr. Lambert, Sir Edmund Lechmere, Mr. Luttrell, Mr. Maguire, Mr. Humphreys-Owen, Mr. George Russell, and Sir Richard Temple.

[*Tuesday, 5th June* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures the following Member, appointed in respect of the Market Gardeners' Compensation Bill:—Mr. Hozier; and had appointed in substitution: Mr. Laurence Hardy.

REPORT.

THE STANDING COMMITTEE on TRADE (including AGRICULTURE and FISHING), SHIPPING, and MANUFACTURES, to whom the MARKET GARDENERS' COMPENSATION BILL was referred;—HAVE gone through the BILL, and made Amendments thereunto.

3 *July* 1894.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES.

Tuesday, 12*th June* 1894.

MEMBERS PRESENT:

Mr. ARTHUR O'CONNOR in the Chair.

Mr. Baldwin.	Mr. Lambert.
Mr. Bigwood.	Sir Edmund Lechmere.
Mr. Burt.	Mr. Luttrell.
Mr. Channing.	Mr. Mowbray.
Mr. Chaplin.	Mr. Mundella.
Mr. Crombie.	Mr. Naoroji.
Sir Charles Dalrymple.	Sir Stafford Northcote.
Sir William Hart Dyke.	Mr. Rathbone.
Mr. Herbert Gardner.	Mr. George Russell.
Sir Julian Goldsmid.	Sir Richard Temple.
Mr. Heneage.	Mr. C. H. Wilson.
Sir James Joicey.	

THE MARKET GARDENERS' COMPENSATION BILL.

Clause 1.—Amendment proposed, in page 1, line 5, to leave out the word "market"—(Mr. *Lambert*).—Question,—put, That the word "market," stand part of the Clause. The Committee divided.

Ayes, 10.	Noes, 10.
Mr. Baldwin.	Mr. Channing.
Mr. Bigwood.	Mr. Crombie.
Mr. Chaplin.	Mr. Herbert Gardner.
Sir Charles Dalrymple.	Sir James Joicey.
Sir William Hart Dyke.	Mr. Lambert.
Mr. Heneage.	Mr. Luttrell.
Sir Edmund Lechmere.	Mr. Mundella.
Mr. Mowbray.	Mr. Naoroji.
Sir Richard Temple.	Mr. Rathbone.
Mr. C. H. Wilson.	Mr. George Russell.

Whereupon the Chairman declared himself with the Ayes.

Another Amendment proposed, in page 1, line 6, to leave out the words "and shall be read and construed as part of the Agricultural Holdings (England) Act 1883, hereinafter called the principal Act"—(Mr. *Heneage*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Clause 2, *agreed to*.

Clause 3.—Amendment proposed, in page 1, lines 12 and 13, to leave out the words "From and after the commencement of this Act the provisions contained in"—(Mr. *Herbert Gardner*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to*.

Another Amendment proposed, in page 1, line 14, to leave out the words "and be applicable"—(Mr. *Herbert Gardner*).

Adjourned till Tuesday, 26th June, at Twelve o'clock.

Tuesday, 26th June, 1894.

MEMBERS PRESENT:

MR. ARTHUR O'CONNOR in the Chair.

Mr. Baldwin.	Mr. Mowbray.
Mr. Bigwood.	Mr. Naoroji.
Mr. Burt.	Mr. Rankin.
Mr. Channing.	Mr. Rathbone.
Mr. Everett.	Mr. George Russell.
Mr. Herbert Gardner.	Colonel Saunderson.
Mr. Laurence Hardy.	Mr. Samuel Smith.
Sir Edmund Lechmere.	Sir Richard Temple.
Mr. Luttrell.	Mr. Tomlinson.

There being no quorum present, the Committee adjourned till Tuesday next, at Twelve of the clock.

Tuesday, 3rd July 1894.

MEMBERS PRESENT:

Mr. ARTHUR O'CONNOR in the Chair.

Mr. Baldwin.	Sir Edmund Lechmere.
Mr. Bigwood.	Mr. Luttrell.
Mr. Burt.	Mr. Mundella.
Mr. Channing.	Mr. Naoroji.
Sir William Hart Dyke.	Mr. Rankin.
Mr. Everett.	Mr. Rathbone.
Mr. Herbert Gardner.	Mr. Samuel Smith.
Mr. Gourley.	Sir Richard Temple.
Mr. Laurence Hardy.	Mr. Tomlinson.
Mr. Heneage.	Mr. Stephen Williamson.

THE MARKET GARDENERS' COMPENSATION BILL.

Clause 3.—Amendment again proposed, in page 1, line 14, to leave out the words "and be applicable."—Question, That the words "and be applicable" stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 14, to leave out the words "conservatory, forcing house, forcing pit," and insert the word "fixture"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That the word "fixture" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 15, to leave out the words "or any other erection"—Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 15, to leave out the words "put up or constructed or"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 15, after the word "affixed," to insert the words "or erected"—(Sir *Edmund Lechmere*).—Question, That the words "or erected" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 18, after the words "to a" to leave out the words "holding which, either in whole or in part, is cultivated as a"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That Clause 3, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 4.—Amendment proposed, in page 1, line 20, after the word "Act," to insert the words "the following improvements comprised in Part I. of"—(Sir *Edmund Lechmere*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 21, after the word "Act," to insert the words "that is to say: (1) erection or enlargement of buildings; (6) making of gardens; and (11) planting of orchards or fruit bushes"—(Sir *Edmund Lechmere*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 21, to leave out the word "holdings"—(Sir *Edmund Lechmere*).—Question, That the word proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 22, to leave out the words "cultivated either in whole or in part as"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 22, to leave out the words "be amended"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 23, to leave out from the word "in" to the word "or," in line 24—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 25, to leave out the words "fruit bushes shall"—(Sir *Edmund Lechmere*).—Question, That the words "fruit bushes shall" stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 25, to leave out the words "Part I. of"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 26, after the word "and," to insert the words "where a tenant intends to execute any of"—(Sir *Edmund Lechmere*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 26, to leave out the words "shall be," and insert the word "namely"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.* Question, That the word "namely" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 27, to leave out the words "comprised in Part III. of the said schedule"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 28, after the word "standard," to insert the words "or other"—(Sir *Edmund Lechmere*).—Question, That the words "or other" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 2, to leave out the words "and other vegetable crops"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 2, line 3, to leave out Sub-section (v.) and insert the following sub-section—

> "(v.) Erection or enlargement of buildings for the purposes of his trade or business of a market gardener.

He shall, not more than three months nor less than two months before beginning to execute such improvement, give notice in writing to the landlord or his agent of his intention so to do, and unless the landlord or his agent shall, within one month after the receipt by him of such notice, give the tenant a notice in writing of the landlord's dissent from such improvement, the tenant shall be at liberty to execute the same, and shall be entitled to compensation therefor under the principal Act.

If the landlord or his agent shall, within the time last aforesaid, deliver to the tenant such notice of dissent as aforesaid, the question whether or not the intended improvement is suitable to and likely to add to the value of the holding shall be determined by a reference under the principal Act.

If it shall appear by the award made on any such reference that the intended improvement is suitable to and is likely to add to the value of the holding, the tenant shall be at liberty to execute the same, and shall be entitled to compensation therefor under the principal Act,

Act, unless the landlord shall execute the improvement himself within such time and in such manner as may be agreed upon by himself or his agent and the tenant, or as, in case of difference between them, may be determined by the referee or umpire who shall have made the aforesaid award.

But if it shall appear by the award that the intended improvement is not suitable to or that it is not likely to add to the value of the holding, the tenant, if he executes such improvement, shall not be entitled to any compensation for the same"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question proposed, That the proposed words be there inserted.

Amendment proposed, to proposed Amendment, to leave out all the words from the words "if the landlord" in line 9, to the word "award" in line 19, and insert the words, "the tenant shall not be entitled to compensation in respect of any of the aforesaid improvements executed after the commencement of this Act, unless, not more than forty-two and not less than seven days before beginning to execute such improvement he has given to the landlord, or to his agent duly authorised in that behalf, notice in writing of his intention so to do, nor shall he be entitled to compensation in respect of any of the aforesaid improvements where it is executed after he has given or received notice to quit, unless it is executed with the previous consent in writing of the landlord.

(2.) Paragraph (11) of part 1 of the First Schedule to the Principal Act, shall be repealed as from the commencement of this Act"—(Sir *Richard Temple*).—Question proposed, That the words proposed to be left out stand part of the proposed Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn.*

Question, That the proposed Amendment be there inserted,—put, and *agreed to.*

Question, That Clause 4, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 5.—Question, That the Clause stand part of the Bill,—put, and *negatived.*

Clause 6.—Question, That the Clause stand part of the Bill,—put, and *negatived.*

Clause 7.—Question, That the Clause stand part of the Bill,—put, and *agreed to.*

Clause 8.—Amendment proposed, in page 2, line 21, to leave out from the word "holdings" to the words "as a" in line 22—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 2, line 22, to leave out the word "stocks," and insert the words "trees and bushes"—(Sir *Edmund Lechmere*).—Question, That the word "stocks" stand part of the Clause,—put, and *negatived.*

Question, That the words "trees and bushes" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 24, to leave out from the word "and" to the word "branches" in line 25—(Sir *Edmund Lechmere*).—Question, That the words proposed to to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 2, line 25, after the word "not" to insert the word "permanently"—(Sir *Edmund Lechmere*).—Question, That the word "permanently" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, lines 25–26, to leave out the words "in rows or as a plantation"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment proposed, in page 2, line 27, to leave out the word "stocks," to insert the words "trees and bushes"—(Sir *Edmund Lechmere*),—Question, That the word "stocks" stand part of the Clause—put, and *negatived.*

Question, That the words "trees and bushes" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 2, line 28, to leave out the word "stocks," to insert the words "trees and bushes"—(Sir *Edmund Lechmere*).—Question, That the word 'stocks" left out stand part of the Clause,—put, and *negatived.*

Question, That the words "trees and bushes" be there inserted, put, and *agreed to.*

Question, That Clause 8, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 9.—Question, That the Clause stand part of the Bill,—put, and *negatived.*

Clause 10.—Amendment proposed, in page 2, line 33, to leave out the words "holding cultivated in whole or in part as a"—(Sir *Edmund Lechmere*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

New Clause *brought up* and read the first and second time as follows:—"If a tenant of a market garden shall have planted standard or other fruit trees or fruit bushes, or strawberry plants or asparagus, without the consent of the landlord within three years prior to the commencement of this Act, and shall within six months after its commencement give notice in writing to the landlord or his agent that he has planted such trees, bushes, strawberry plants, or asparagus, he shall be entitled to compensation for the same under the principal Act"—(Sir *Edmund Lechmere*).—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Temporary provision in reference to fruit trees, & planted with three years prior to commencement Act.

Definition of market garden.

Another new Clause *brought up* and read the first and second time as follows :—" For the purposes of the principal Act and of this Act, the expression 'market garden' shall mean a holding cultivated as a garden or orchard exclusively or mainly for the sale of the produce thereof "—(Sir *Edmund Lechmere*).—Question, That the Clause be added to the Bill,—put, and *agreed to.*

As to Crown lands and lands belonging to the Duchies of Lancaster and Cornwall.

Another new Clause *brought up* and read the first and second time as follows :—" Any compensation payable under this Act shall, as regards land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown or in right of the Duchy of Lancaster, and as regards land belonging to the Duchy of Cornwall, be paid in the same manner and out of the same funds respectively as if it were payable in respect of an improvement mentioned in the first part of the First Schedule to the principal Act, except that as regards land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown, compensation for planting strawberry plants and asparagus shall be paid in the same manner and out of the same fund as if it were payable in respect of an improvement mentioned in the third part of the said Schedule "—(Sir *Edmund Lechmere*).—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Ordered, To Report the Bill, as amended, to the House.

REPORT

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING) SHIPPING, AND MANUFACTURES,

ON THE

MARKET GARDENERS' COMPENSATION BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1894.

[*Price* 1½ *d.*]

197. *Under* 2 *oz.*

Brought from the Lords, 13 August 1894.

SECOND

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

MARKING OF FOREIGN AND COLONIAL PRODUCE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
15 *August* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - - p. xi

MINUTES OF EVIDENCE - - - - - - - - - p. 1

APPENDIX - - - - - - - - - - - - - p. 71

SECOND REPORT.

BY THE SELECT COMMITTEE appointed to consider and report whether Legislation for the purpose of requiring the Foreign or Colonial Origin of Imported Agricultural and Horticultural Produce, and especially Meat, Cheese, and Fruit, to be marked thereon, or otherwise indicated, is necessary, expedient, and feasible; and, if so, what are the provisions which such Legislation should comprise.

ORDERED TO REPORT,

THAT the Committee have met and considered the subject referred to them, and have agreed to the following further Report:—

1. Having considered and reported during the last Session on the subject of the marking of foreign meat, the Committee have confined their inquiry during the present Session to imported agricultural and horticultural produce, other than meat, but they desire to draw attention to a letter from Lord Methuen to Lord Belper (Appendix A.) on the subject of meat supplied to the Army, from which it will be observed that certain suggestions of the Committee are in some cases being adopted voluntarily.

2. The Committee desire to express their satisfaction that the Merchandise Marks (Prosecutions) Act has been introduced by the Government, and has passed both Houses of Parliament.

3 The Committee met on the 7th May, and have examined 16 witnesses, including representatives of the principal fruit growers in Kent and Clydesdale; representatives of preserve manufacturers; Mr. Howard Vincent, M.P., who has introduced a Bill dealing with the subject; one of the leading dealers in dairy produce in London; and the deputy Chairman of the Board of Customs.

4. In their previous Report the Committee drew attention to the existing legislation upon the subject referred to them. They do not therefore think it necessary to recite it again.

5. Two Bills on this subject have been introduced into the House of Commons, and one into your Lordships' House this Session, by Mr. Hozier, Mr. Howard Vincent, and the Earl of Denbigh, respectively.

Mr. Hozier's Bill, entitled the "Fruit Identification Bill," is framed on the lines of the Margarine Act, and requires that every package or parcel containing foreign or colonial fruit, whether exposed for sale by wholesale or retail, shall be branded or otherwise durably marked with the words "Grown abroad."

Mr. Howard Vincent's Bill, entitled the "Foreign Goods (Marks of Origin) Bill," proposes to extend the provisions of the Merchandise Marks Act, 1887, and requires that all goods imported into the United Kingdom shall be marked in a legible and conspicuous form, with a definite indication of the country in which such goods were made or produced.

The Earl of Denbigh's Bill provides for objects similar to those aimed at in Mr. Howard Vincent's Bill.

A Bill was also laid on the Table by Major Rasch, M.P., entitled the "Foreign Shell-fish Bill," which requires that all parcels of shrimps or shell-fish of foreign catch or preparation shall be marked with the word "foreign." The Committee not considering that this subject came under the heading of Agricultural and Horticultural Produce, have not prosecuted inquiries into the question.

6. The average quantity of fruit other than apples, oranges, and lemons imported into this country in the years 1891, 1892, and 1893, was 3,485,734 bushels, and the average value of the imports 1,675,753*l*. No statistics are published of the quantity of fresh milk imported into England, though the Board of Trade are taking the steps necessary to ascertain the value of that import during the current year; but, judging from the importations during the first six months of this year, the annual quantity imported is about 140,000 gallons. The increase in the importation of hay last year over the preceding year is considerable. In 1892 only 61,237 tons, of the value of 259,593*l*, were imported, but in 1893 these figures had risen to a total of 263,050 tons, valued at 1,382,812*l*. This increase was maintained in the first three months of the present year, when 99,844 tons were imported, as compared with 30,090 tons in the same months of 1893.

Fruit.

Berry, 76.

7. It was shown that, as in the case of the meat trade, much misrepresentation is carried on by the sale of foreign fruit under the name of English, but some foreign fruit is as good as and sometimes cheaper than English. Fruit grown within 20 miles of Boulogne and within 20 miles of Folkestone can be little different.

Berry, 83–6.

8. The same misrepresentation is continued in the retailer's shop and on the costermonger's barrow. Foreign peaches are constantly marked "Finest English Peaches." Labels marked "Fine English Strawberries," "Fine English Cherries," "Fine English Gooseberries," are constantly affixed to fruit, among which, it was alleged, there is not one single fruit of English growth. The same remarks apply to tomatoes and cob nuts.

Wood, 176.
Scott, 757.

Scott, 781.

9. Unlike misrepresentation in the meat trade, which is confined to the retail business, the purchasing agents of jam manufacturers are frequently deceived as to the origin of the fruit which they buy. It was stated that a parcel of black currants offered to an agent was refused by him one day on account of their foreign origin, but was sold to him the next day as English, having been in the meantime transferred to English baskets.

Blackwell, 816.

Scott, 773.

10. The question having been asked by the Committee whether the fruit-growers had initiated any prosecution with a view to checking this practice, it was asserted that their business so fully occupied them at the season of the year when the misrepresentation was most practised that they had never attempted any, and were therefore unable to say what might be the result. There are in Covent Garden Market many traders purely interested in English fruit, and it was stated that if it were easy to get a remedy prosecutions would be quickly entered into.

Berry, 147.

11. The Committee are of opinion that a few prosecutions under the Merchandise Marks Act, 1891, or the Amending Act of this Session, would do much to enable the parties interested to check further misrepresentation of a similar kind.

Berry, 59.

12. The Kentish fruit-growers complain of the competition they are subjected to by the foreign importers on the ground that owing to the distance which Continental fruit has to travel it is necessary to pick it before it is quite ripe, and that in consequence it is of poor flavour and contains but little juice; being then sold in the market without any indication of origin, traders believe it to be grown in England, and to be early samples of poor quality, and they decline to buy the English crop, and condemn the whole as bad, because the first deliveries, which they thought to be English, were unsatisfactory.

Vinson, 281.

Scott, 936.

Wood, 202.

One witness stated that last year owing to the currants and plums required by jam manufacturers having been bought on the Continent, the home crop was not worth picking and was not picked. The market being already overstocked with foreign fruit, it did not yield prices sufficient to pay the expense of picking and bringing fruit to market.

Blackwell, 817–820.

13. On the other hand, Messrs. Crosse & Blackwell, who buy most of their soft fruit from English growers, but also use a large proportion of berried fruit bought abroad, state that the price is about equal to that of English fruit, that

it

it comes into the market rather earlier, and is in their opinion of as good quality as the English fruit.

14. Several witnesses (especially those from Kent) complained that misrepresentation was fostered by the practice of packing foreign fruit in baskets of the same make and appearance as those made in Kent. It has become the practice to have a large number of baskets precisely similar to the English half-bushel made in Holland and elsewhere for economic reasons. The English package is about 8 inches deep, open at the top, with a rim. The basket weighs 4 lbs., and contains 24 lbs. net, or 28 lbs. gross. Eighty such baskets go to the ton. This basket is known in the trade as the English half-bushel. The French "pad" only carries from 10 to 14 lbs., though costing the same to pack as the English half-bushel of 24 lbs., while the Covent Garden Market dues are the same on both; moreover, the English half-bushel has the advantage of carrying the fruit in better condition.

Berry, 11. Simons, 1102. Berry, 16. Simons, 1111.

15. It is customary for the agents in many cases to supply baskets to the fruit-growers whether at home or abroad, and to mark them with their own name or initials. On arrival in the market there is nothing to distinguish between such baskets containing foreign fruit and those containing English.

Berry, 135. Coles, 718.

16. The fruit growers who consider themselves aggrieved by this custom made representation to the Board of Trade and the Board of Customs with a view to detaining the fruit under the Merchandise Marks Act. A copy of this correspondence will be found in Appendix B.

Berry, 9.

17. The officers of the Customs state that they did not decline to exclude the fruit baskets in question, but that they were of opinion that it had not been clearly shown to them that it was their duty to detain them under the Act. A mere address mark, it is held, on the outer package is not a mark within the meaning of the Act. While the Act directs that manufactured goods having upon them the name of the dealer must be stopped at the Customs, the same provision does not apply to raw produce such as fruit or flowers. The general intention of the Act is to prevent the use of any marks which might be likely to mislead, and this principle would apply both to manufactured goods and to raw produce. Thus, for instance, potatoes coming from abroad having on them the word "selected" would be detained by the Customs on the ground that the English word "selected" might lead people to believe that they had been grown in England; but the word "selected" applied to bananas, a fruit which cannot be grown in England, would not, in the opinion of the Board of Customs, be a reason for detaining the package. Nor is there any power given under the Act to detain goods because they arrive in packages which, from their shape or otherwise, are clearly an imitation of English make or made in England.

Seymour, 1000. 1006. 1008. 1053.

18. The Committee are of opinion that where the mark on a package, though only that of the owner or addressee, can be shown to the satisfaction of the Commissioners of Customs in effect to be misleading to purchasers, the Commissioners should frame an order for the detention of such packages.

19. The complaint made by the Scotch fruit growers was based principally on the allegation that the foreign fruit competing with their produce arrives at the jam manufactories in Scotland in a pulpy and unsound condition. One witness described it as rotten, and several as unfit for human food. It was not shown, however, that any ill-effects had been caused to any of the consumers of jam made from this fruit.

Mitchell, 484-5. Forrest, 606, 618. Templeton, 668, 678.

20. Mr. Blackwell, of Messrs. Crosse & Blackwell, declared that fruit in a pulpy condition would be useless for the purpose of jam making; but, on the other hand, it was admitted that at some of the Scotch manufactories it is regularly used for that purpose. The boiling process kills the fermentation which has been set up, but the fruit loses its colour and is not so readily saleable as jam made from fresh sound fruit.

Blackwell, 825. Lamberton, 1163. 1203.

21. None of the manufacturers of jam remember an instance of any fruit being examined at their factories, and most of those interested in the fruit trade did not know that it was the duty of any person to inspect fruit. On the other

Mitchell, 526. Blackwell, 861. Scott, 943. Simons, 1060. Lamberton, 1152.

other hand, Mr. Simons, a Bailie of Glasgow, while admitting that fruit arriving at the jam manufactory in closed casks would escape inspection, declared that the inspection of food in that city was most thorough.

Blackwell, 837. 843.

22. Soft fruit which comes to London arrives in open baskets in good condition, as a rule, and there appears to be no difficulty in its inspection. It appears to the Committee that an efficient inspection at the ports, and in the factories, of fruit arriving in closed casks would meet the principal objection which has been raised. The owners of factories expressed no objection to the visit of an inspector.

Blackwell, 876.
Lamberton, 1151.

Berry, 67.
Mitchell, 536.
Templeton, 665.
Scott, 930.

23. The witnesses who advocated a system of marking packages containing fruit did not consider it either desirable, or practicable, to carry such marking beyond the original package in which the goods arrived.

Mitchell, 504.
Scott, 916.
Lamberton, 1216.

24. It was alleged that some confusion might arise in the minds of purchasers by reason of the use of the word "home-made" on certain jam pots. It was pointed out to the Committee that the object of those words was to indicate that the jam was made in the manner customary in a private establishment where jam is made by the housekeeper, but that the impression conveyed to the purchaser was that it was not only home-made but also home-grown.

Scott, 750.

25. A suggestion was made that jam pots should be labelled "English," "Foreign," "Mixed," according to the origin of the fruit which they contain, and the witness who advocated this believed that it would be readily adopted by the higher class of preserve manufacturers, but Messrs. Crosse and Blackwell, as well as other manufacturers, expressed a strong objection to being compelled to affix any mark, on the ground that fruit in the process of jam manufacture is mixed in such large quantities in one vessel, that it would be almost impossible to separate the fruit according to its place of origin.

Blackwell, 846–7.

Blackwell, 856.

26. It was also stated, as was found in the case of meat, that a large class would, if they found it even slightly cheaper, demand jam made of foreign fruit.

Cheese.

27. Some important suggestions were made to the Committee by Mr. Watts as to the possibility of marking other agricultural produce. Cheese, he stated, might easily be marked at the time it was in the press without diminishing its value, while it would be impossible to make these impressions after the cheese left the press. Purchasers desire to obtain real Cheshire cheese and are prepared to pay a high price for it, but the cheeses made abroad have improved so much in quality of late years that there is much difficulty in distinguishing between the two. This applies with especial force to Cheddar cheese. It may be remarked that there is nothing to prevent makers of English cheese from so impressing a mark upon their products which would at once preclude the possibility of their being mistaken for foreign cheese, and if this practice were generally adopted it would become known that cheeses without marks were presumably foreign.

Watts, 1297–1298.

Butter and Margarine.

28. The Committee have not thought it their duty to make any special inquiry into the subject of margarine, but they desire to call attention to a proposal made by Mr. Watts that a ready method of distinguishing between margarine and butter, and of preventing the sale of the former under the name of butter (should it be found that the existing law is insufficient for the purpose), would be to require that all margarine should be sold without colouring matter, the effect of which would be that margarine would retain its natural white colour, while butter would be of various shades of yellow.

Watts, 1332.

Watts, 1336, 1339.

29. In addition to margarine, an imitation cheese is coming into the market made of animal fat, to which, by the use of separated milk, the flavour of cheese is imparted.

Milk.

30. Until recently the competition of imported milk with that produced in England was very limited in extent, but since last year it has increased considerably. It was pointed out that whereas milk produced in England is subject to safeguards for the protection of the public health by the inspection of dairies and milk shops, in the case of milk imported from abroad no safeguards exist other than those required by the laws of the respective countries of export, and there is no means of testing it after landing. The suggestion was made that a yellow colour imparted to milk imported from abroad would prevent the possibility of confusion, but it was not denied that such a requirement might prejudice the sale of imported milk.

Eggs.

31. There does not appear to be any practical difficulty in the way of marking eggs. Many firms do so already as a guarantee of freshness. The mark, it is stated, soaks into the shell and becomes indelible, while one person could mark many thousands in a day. The demand for new laid English eggs is very great, and, if purchasers were certain of obtaining them, it is believed that it would be a great incentive to the breeding of poultry in this country. Watts, 1355, 1360, 1372.

Hay.

32. The drought of last year necessitated the importation of a large quantity of foreign hay to supply the place of that which is usually grown in this country, and it is anticipated that large shipments will arrive from abroad this year, notwithstanding that the home crop is likely to be a good one. There is no reason to suppose that any misrepresentation exists in the trade in forage.

Conclusions and Recommendations.

33. The Committee are of opinion that the competition between English and foreign fruit, though severe, is not, except in so far as wilful misrepresentation is carried on, on the whole, unfair.

34. The Committee believe that a vigorous application of the powers conferred on the Board of Agriculture by the Merchandise Marks (Prosecutions) Act just passed will be sufficient to check this misrepresentation, but they desire to point out that it may not be possible for the action of a Government Department in this direction to be sufficiently far-reaching. If the working of the Act should not be found to attain the object desired, it is a question whether powers might not be conferred by Parliament on county and borough authorities to conduct these prosecutions, the cost of which might be defrayed out of the rates.

35. The Committee are of opinion that increased vigilance might with advantage be used by inspectors under the Public Health Acts, especially in Scotland, to see that fruit imported by manufacturers of jam is in sound condition and fit for consumption before it is made into jam, but they do not think that legislative powers are needed in addition to those conferred by the Public Health (England and Wales) Act, 1875, and the Public Health (Scotland) Act, 1867. The Committee are further of opinion that it would conduce to their own as well as to the general interest, if traders and manufacturers would make themselves more fully acquainted with their remedies under the existing law than they appear to be at present. 38 & 39 Vict., c. 55, s. 116. 30 & 31 Vict., c. 101, s. 26.

36. The Committee have no doubt that the compulsory marking of packages in which fruit is imported is feasible, but they are not satisfied that the results to be obtained would justify the trouble and expense which would be entailed on the importer, while the marking of every parcel of fruit in the hands of the retailer would be impossible.

37. The proposal to compel English manufacturers to mark their jam pots differs from the proposal to exclude goods arriving at the ports without marks, and could not in the opinion of the Committee be satisfactorily enforced.

38. The Committee are of opinion that there are some imported articles of agricultural and horticultural produce, such for example as eggs, which could be marked and that such marking would render difficult the present fraudulent practice, which appears to be widespread, of selling foreign goods as English, with the further result of stimulating the British agriculturist to produce articles of the freshness and origin of which purchasers would then be assured. Without entering into the details of the Bills introduced by Mr. Howard Vincent and Lord Denbigh, which have not been referred to the Committee, they are of opinion that the subject of the compulsory marking of imported goods is deserving of careful consideration by Parliament, with a view to ascertain how far it may be possible and desirable to impose those conditions on such goods as are clearly capable of being marked. The danger to health in admitting to consumption milk from dairies over the sanitary condition of which there is in England no control, and the substitution of other articles for butter and cheese, are reasons, in addition to the protection of the consumer from fraud and the encouragement of the depressed industry of agriculture, which lead the Committee to give expression to this opinion.

And the Committee have directed the Minutes of Evidence, together with an Appendix, to be laid before your Lordships.

9th July 1894.

ORDER OF REFERENCE.

Die Lunæ, 16° *Aprilis*, 1894.

MARKING OF FOREIGN AND COLONIAL PRODUCE.

Moved, That a Select Committee be appointed to consider and report whether legislation for the purpose of requiring the foreign or colonial origin of imported agricultural and horticultural produce—and especially meat, cheese, and fruit—to be marked thereon or otherwise indicated is necessary, expedient, and feasible; and, if so, what are the provisions which such legislation should comprise (The Lord Ribblesdale).

After short debate, agreed to.

The Lords following were named of the Committee:

Earl of Winchilsea and Nottingham.	Lord Belper.
Earl Stanhope.	Lord Lawrence.
Earl of Onslow.	Lord Wimborne.
Lord Carrington (*Lord Chamberlain*).	Lord Rothschild.
Lord Vernon.	Lord Monkswell.
Lord Ribblesdale.	Lord Mount Stephen.
Lord Wigan (*Earl of Crawford*).	

The Committee to appoint their own Chairman.

Die Martis, 17° *Aprilis*, 1894.

The Committee to meet on Tuesday, the 1st of May, at Three o'clock.

Die Lunæ, 23° *Aprilis*, 1894.

The evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, until further order.

Die Veneris, 27° *Aprilis*, 1894.

The Lord Vernon exempted from attendance on the Select Committee, and the Lord De L'Isle and Dudley added to the Select Committee.

Die Martis, 8° *Maii*, 1894.

The Lord Meldrum (*Marquess of Huntly*) added to the Select Committee.

Die Jovis, 7° *Junii*, 1894.

Message to the Commons for leave for Lieutenant Colonel Charles Edward Howard Vincent, C.B. (a Member), to attend the Select Committee.

Die Veneris, 8° *Junii*, 1894.

Message from the Commons giving leave to Lieutenant Colonel Howard Vincent, C.B. (a Member), to attend the Select Committee (pursuant to message of yesterday).

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Martis, 1° *Maii*, 1894.

LORDS PRESENT:

Earl Stanhope.	Lord Belper.
Earl of Onslow.	Lord Lawrence.
Lord De L'Isle and Dudley.	Lord Mount Stephen.

The Order of Reference is read.

It is moved, That the Earl of Onslow do take the Chair.

The same is agreed to.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned till Monday the 7th of May, at Twelve o'clock.

Die Lunæ, 7° *Maii*, 1894.

LORDS PRESENT:

Earl Stanhope.	Lord Belper.
Earl of Onslow.	Lord Lawrence.
Lord Ribblesdale.	Lord Monkswell.
Lord De L'Isle and Dudley.	

The Earl of ONSLOW in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday last are read.

It is moved, That the Committee be an open one.

The same is agreed to.

The following Witnesses are called in, and examined, viz.:—Mr. *W. W. Berry*, Mr. *John Wood*, Mr. *Edwin Vinson*, and Sir *Charles Mills*, K.C.M.G.

Ordered, That the Committee be adjourned till Monday the 4th of June, at Twelve o'clock.

Die Lunæ, 4° *Junii*, 1894.

LORDS PRESENT:

Earl Stanhope.	Lord Belper.
Earl of Onslow.	Lord Lawrence.
Lord Meldrum (*Marquess of Huntly*).	Lord Monkswell.

The Order of adjournment is read.

The Proceedings of Monday the 7th of May last are read.

The following Witnesses are called in, and examined, viz.:—Mr. *Thomas Mitchell*, Mr. *Walter Forrest*, Mr. *William Templeton*, Mr. *James Coles*, Mr. *George S. Scott*, and Mr. *T. F. Blackwell*.

Ordered, That the Committee be adjourned till Monday next, at Twelve o'clock.

Die Lunæ, 11° *Junii*, 1894.

LORDS PRESENT:

Earl of Onslow.	Lord Belper.
Lord Ribblesdale.	Lord Lawrence.
Lord Meldrum (*Marquess of Huntly*).	Lord Wimborne.
Lord De L'Isle and Dudley.	Lord Monkswell.

The Order of adjournment is read.

The Proceedings of Monday last are read.

The following Witnesses are called in, and examined, viz.:—Mr. *Robert Scott*, Mr. *Horace Seymour*, Mr. *Michael Simons*, Mr. *Alexander Lamberton*, Lieut.-Col. *C. E. Howard Vincent*, C.B., M.P.

Ordered, That the Committee be adjourned till Monday the 25th of June, at Twelve o'clock.

Die Lunæ, 25° *Junii*, 1894.

LORDS PRESENT:

Earl of Winchilsea and Nottingham.	Lord Ribblesdale.
Earl of Onslow.	Lord De L'Isle and Dudley.
	Lord Lawrence.

The Order of adjournment is read.

The Proceedings of the 11th instant are read.

The following Witness is called in, and examined, viz.:—Mr. *John Isaac Watts*.

Ordered, That the Committee be adjourned till Monday the 9th of July, at Twelve o'clock.

Die Lunæ, 9° *Julii*, 1894.

LORDS PRESENT:

Earl Stanhope.	Lord Belper.
Earl of Onslow.	Lord Lawrence.
Lord Ribblesdale.	Lord Monkswell.
Lord Meldrum (*Marquess of Huntly*).	

The Order of adjournment is read.

The Proceedings of the 25th of June last are read.

The following DRAFT REPORT is laid before the Committee:

"1. Having considered and reported during the last Session on the subject of the marking of foreign meat, the Committee have confined their inquiry during the present Session to imported agricultural and horticultural produce, other than meat, but they desire to draw attention to a letter from Lord Methuen to Lord Belper (Appendix A) on the subject of meat supplied to the Army, from which it will be observed that the suggestions of the Committee are in some cases being adopted voluntarily.

"2. The

"2. The Committee desire to express their satisfaction that the Merchandise Marks (Prosecutions) Act has been introduced by the Government, and passed both Houses of Parliament.

"3. The Committee met on the 7th May, and have examined 16 witnesses, including representatives of the principal fruit-growers in Kent and Clydesdale; representatives of preserves manufactures; Mr. Howard Vincent, M.P., who has introduced a Bill dealing with the subject; one of the leading dealers in dairy produce in London; and a representative from Her Majesty's Customs.

"4. In their previous Report the Committee drew attention to the existing legislation upon this subject. They do not therefore think it necessary to refer to it again.

"5. Two Bills on this subject have been introduced into the House of Commons, and one into your Lordships' House this Session, by Mr. Hozier, Mr. Howard Vincent, and the Earl of Denbigh, respectively. Mr. Hozier's Bill, entitled the "Fruit Identification Bill," is framed on the lines of the Margarine Act, and requires that every package or parcel containing foreign or colonial fruit, whether exposed for sale by wholesale or retail, shall be branded or otherwise durably marked with the words "Grown abroad." Mr. Howard Vincent's Bill, entitled the "Foreign Goods (Marks of Origin) Bill," proposes to extend the provisions of the Merchandise Marks Act, 1887, and requires that all goods imported into the United Kingdom shall be marked in a legible and conspicuous form, with a definite indication of the country in which such goods were made or produced. The Earl of Denbigh's Bill provides for objects similar to those aimed at in Mr. Howard Vincent's Bill. A Bill was also laid on the Table by Major Rasch, M.P., entitled the "Foreign Shell-fish Bill," which requires that all parcels of shrimps or shell-fish of foreign catch or preparation shall be marked with the word "foreign." The Committee not considering that this subject came under the heading of Agricultural and Horticultural Produce, have not prosecuted inquiries into the question.

"6. The Kentish fruit-growers complain of the competition they are subjected to by the foreign importers on the ground that owing to the distance which Continental fruit has to travel it is necessary to pick it before it is quite ripe, and that in consequence it is of poor flavour and contains but little juice; being then sold in the market without any indication of origin, traders believe it to be grown in England, and to be early samples of poor quality, decline to buy the English crop, and condemn the whole of it as bad because the first deliveries, which they thought to be English, were unsatisfactory. Berry, 59. Vinson, 281. Scott, 936.

"7. One witness stated that last year owing to the currants and plums required by jam manufacturers having been bought on the Continent, the home crop was not worth picking and was not picked. The market being already over-stocked with foreign fruit, it did not yield prices sufficient to pay the expense of picking and bringing fruit to market. Wood, 202.

"8. Messrs. Crosse and Blackwell buy most of their soft fruit from English growers, but also use a large proportion of berried fruit bought abroad. The price is about equal to that of English fruit, and it comes into the market rather earlier. Blackwell, 817-820.

"9. It was shown that, as in the case of the meat trade, much misrepresentation is carried on by the sale of foreign fruit under the name of English, but that foreign fruit is quite as good and often cheaper than English. Currants grown within 20 miles of Boulogne and within 20 miles of Folkestone can be but little different. Berry, 76.

"10. The same misrepresentation is continued in the retailer's shop and on the costermonger's barrow. Foreign peaches are constantly marked 'Finest English Peaches'; a witness stated that on one occasion he endeavoured to secure the tally but that the vendor claimed it as his property. Berry, 83-6.

"11. Labels marked 'Fine English Strawberries,' 'Fine English Cherries,' 'Fine English Gooseberries,' are constantly affixed to fruit, among which, it was alleged, there is not one single fruit of English growth. The same remarks apply to tomatoes and cob nuts. Wood, 176. Scott, 757.

"12. Unlike misrepresentation in the meat trade, which is confined to the retail business, the purchasing agents of jam manufacturers are frequently deceived as to the origin of the fruit which they buy. It was stated that a parcel of black currants offered to an agent was refused by him one day on account of their foreign origin, but was sold to him the next day as English, having been in the meantime transferred to English baskets. Scott, 781. Blackwell, 816.

"13. The question having been asked by the Committee whether the fruit-growers had initiated any prosecution with a view to checking this practice, it was asserted that their business so fully occupied them at the season of the year when the misrepresentation was most practised that they had never attempted any, and were therefore unable to say what might be the result. There are in Covent Garden Market many traders purely interested in English fruit, and it was stated that if it were easy to get a remedy prosecutions would be quickly entered into. Scott, 773. Berry, 147.

"14. The Committee are of opinion that after a few cases of prosecution undertaken under the Merchandise Marks Act, 1891, or the Amending Act of this Session, the parties interested would be able to check further misrepresentation of a similar kind.

"15. Several witnesses (especially those from Kent) complained that such misrepresentation was fostered by the packing of foreign fruit in baskets of the same make and appearance

Berry, 11. Simons, 1102. as those made in Kent. The English package is about 8 inches deep, open at the top with a rim. The basket weighs 4 lbs., and contains 24 lbs. net, or 28 lbs. gross. Eighty such baskets go to the ton. This basket is known in the trade as the English half-bushel. The French pad only carries from 10 to 14 lbs., though costing the same to pack as the English half-bushel of 24 lbs., while the Covent Garden Market dues are the same on the both ; moreover, the English half-bushel has the advantage of carrying the fruit in better condition.

Berry, 16. Simons, 1111. " 16. It has become the practice to have a large number of baskets precisely similar to the English half-bushel made in Holland and elsewhere for the economic reasons already stated.

Berry, 135. Coles, 718. " 17. It is customary for the agents in many cases to supply baskets to the fruit-growers whether at home or abroad, and to mark them with their own name or initials. On arrival in the market there is nothing to distinguish between such baskets containing foreign fruit and those containing English.

Berry, 9. " 18. The fruit growers who consider themselves aggrieved by this practice made representation to the Board of Trade and the Board of Customs with a view to detaining the fruit under the Merchandise Marks Act. A copy of this correspondence will be found in Appendix B.

Seymour, 1000. " 19. The officers of the Customs state that they did not decline to exclude the fruit baskets in question, but that they were of opinion that it had not been clearly shown to them that it was their duty to detain them under the Act. A mere address mark, it is held, on the outer package is not a mark within the meaning of the Act. While the Act directs that manufactured goods having upon them the name of the dealer must be stopped at the Customs, the same provision does not apply to raw produce such as fruit or flowers. The general intention of the Act is to prevent the use of any marks which might be calculated to mislead, and this principle would apply both to manufactured goods and to raw produce. Thus, for instance, potatoes coming from abroad having on them the word 'selected' would be detained by the Customs on the ground that the English word 'selected' might lead people to believe that they had been grown in England ; but the word 'selected' applied to bananas, a fruit which cannot be grown in England, would not, in the opinion of the Board of Customs, be a reason for detaining the package. Nor is there any power given under the Act to detain goods because they arrive in packages having an appearance which might lead purchasers to believe that the contents had been produced in England.

" 20. The Committee are of opinion that where the mark on a package, though only that of the owner or addressee, can be shown to the satisfaction of the Commissioners of Customs in effect to be misleading to purchasers, the Commissioners should frame an order for the detention of such packages.

Mitchell, 484-5. " 21. The complaint made by the Scotch fruit growers was based principally on the allegation that the foreign fruit competing with their produce arrives at the jam manufactories in Scotland in a pulpy and unsound comdition. One witness described it as rotton, and several as unfit for human food. It was not shown, however, that any ill-effects had been caused to any of the consumers of jam made from this fruit.

Blackwell, 825. Lamberton, 1163 and 1203. " 22. Mr. Blackwell, of Messrs. Crosse and Blackwell, declared that fruit in a pulpy condition would be useless for the purpose of jam making ; but, on the other hand, it was admitted that at some of the Scotch manufactories it is regularly used for that purpose. The boiling process kills the fermentation which has been set up, but the fruit loses its colour and is not so readily saleable as jam made from fresh sound fruit.

Mitchell, 526. Blackwell, 861. Scott, 943. Simons, 1060. " 23. None of the manufacturers of jam remember an instance of any fruit being examined at their factories, and most of those interested in the fruit trade did not know that it was the duty of any person to inspect fruit. On the other hand, Mr. Simons, who had been baillie of Glasgow, while admitting that fruit arriving at the jam manufactory in closed casks would escape inspection, declared that the inspection of food in that city was most thorough.

Blackwell, 837 and 843. " 24. Soft fruit which comes to London arrives in open baskets in good condition, as a rule, and there appears to be no difficulty in its inspection. It appears to the Committee that an efficient inspection at the ports, and in the factories of fruit arriving in closed casks would meet the principal objection which has been raised. None of the owners of factories expressed any objection to the visit of an inspector.

Blackwell, 876. Lamberton, 1151.

Berry, 67. Mitchell, 536. Templeton, 665. Scott, 930. " 25. The witnesses who advocated a system of marking packages containing fruit did not consider it either desirable, or practicable, to carry such marking beyond the original package in which the goods arrived.

Mitchell, 504. Scott, 916. Lamberton, 1216. " 26. It was alleged that some confusion might arise in the minds of purchasers by reason of the use of the word 'home-made' on certain jam pots. It was pointed out to the Committee that the object of those words was to indicate that the jam was made in the manner customary in a private establishment where jam is made by the housekeeper, but that the impression conveyed to the purchaser was that it was not only home-made but also home-grown.

Scott, 750. " 27. A suggestion was made that jam pots should be labelled 'English,' 'Foreign,' 'Mixed,' according to the origin of the fruit which they contain, and the witness who advocated this believed that it would be readily adopted by the higher class of preserve manufacturers.

" 28. Messrs.

" 28. Messrs. Crosse and Blackwell, as well as other manufacturers, expressed a strong objection to being compelled to affix any mark, on the ground that fruit in the process of jam manufacture is mixed in such large quantities in one vessel, that it would be almost impossible to separate the fruit according to its place of origin. Blackwell, 846-7.

" 29. It was also stated, as was found in the case of meat, that a very large class would, if they found it slightly cheaper, demand jam made of foreign fruit. Blackwell, 856.

" Cheese.

" 30. Some important suggestions were made to the Committee by Mr. Watts as to the possibility of marking other agricultural produce.

" 31. Cheese, he stated, might easily be marked at the time it was in the press without diminishing its value, while it would be impossible to make these impressions after the cheese left the press. Purchasers express a strong desire to obtain real Cheshire cheese and are prepared to pay a high price for it, but the cheeses made abroad have improved so much in quality of late years that there is much difficulty in distinguishing between the two. This applies with especial force to Cheddar cheese. It may be remarked that there is nothing to prevent makers of English cheese from so impressing a mark upon their products which would at once preclude the possibility of their being mistaken for foreign cheese, and if this practice were generally adopted it would become known that cheeses without marks were presumably foreign. Watts, 1297, 1298.

" Butter and Margarine.

" 32. The Committee have not thought it their duty to make any special inquiry into the subject of margarine, but they desire to call attention to a proposal made by Mr. Watts that a ready method of distinguishing between margarine and butter, and of preventing the sale of the former under the name of butter (should it be found that the existing law is insufficient for the purpose), would be to require that all margarine should be sold without colouring matter, the effect of which would be that margarine would retain its natural white colour, while butter would be of various shades of yellow. Watts, 1332.

" 33. In addition to margarine, an imitation cheese is coming into the market made of animal fat, to which, by the use of separated milk, the flavour of cheese is imparted. Watts, 1336 and 1339.

" Milk.

" 34. Until recently the competition of imported milk with that produced in England was very limited in extent, but since last year it has increased considerably. It was pointed out that whereas milk produced in England is subject to safeguards for the protection of the public health by the inspection of dairies and milk shops, no such safeguard exists in the case of milk imported from abroad, and there is no means of testing it after landing. The suggestion was made that a yellow colour imparted to milk imported from abroad would prevent the possibility of confusion, but it was not denied that such a requirement might prejudice the sale of imported milk.

" Eggs.

" 35. There does not appear to be any practical difficulty in the way of marking eggs. Many firms do so already as a guarantee of freshness. The mark, it is stated, soaks into the shell and becomes indelible, while one person could mark many thousands in a day. The demand for fresh laid English eggs is very great, and, if purchasers were certain of obtaining them, it is believed that it would be a great incentive to the breeding of poultry in this country. Watts, 1355, 1360, and 1372.

" Hay and Straw.

" 36. The drought of last year necessitated the importation of a large quantity of foreign hay and straw to supply the place of that which is usually grown in this country, and it is anticipated that large shipments will arrive from abroad this year, notwithstanding that the home crop is likely to be a fairly good one. There is no reason to suppose that any misrepresentation exists in the trade in forage. The foreign hay and straw arrive in bales surrounded by metal bands, and it was suggested that to mark these bands would be neither a difficult nor a vexatious process. Watts, 1378.

" Conclusions.

" 37. The Committee are of opinion that the competition between English and foreign fruit, though undoubtedly severe, is not, except in so far as wilful misrepresentation is carried on, unfair.

" 38. The Committee believe that a vigorous application of the powers conferred on the Board of Agriculture by the Merchandise Marks (Prosecutions) Act just passed will be sufficient to check this misrepresentation, but they desire to point out that it may not be possible for the action of a Government Department in this direction to be sufficiently far-reaching, and

they are of opinion that if the working of the Act should not be found to attain the object desired, powers should be conferred by Parliament on local authorities to conduct prosecutions, the cost of which might be defrayed out of the local rate.

" 39. It did not appear to the Committee that the intention of the agents in having baskets made in imitation of those used in England was to deceive purchasers, though such result might occur, and probably has occurred, but the Committee think the powers at present possessed by the Commissioners of Customs are, if properly exercised, sufficient to provide against any extensive deception of this kind.

" 40. The Committee are of opinion that increased vigilance might with advantage be used by inspectors under the Public Health Acts, especially in Scotland, to see that fruit imported by manufacturers of jams is in sound condition and fit for consumption before it is made into jam, but they do not think that legislative powers are needed in addition to those conferred by the Public Health (England and Wales) Act, 1875, and the Public Health (Scotland) Act, 1867.

" 41. That the compulsory marking of packages in which fruit is imported is feasible the Committee have no doubt, but they are not satisfied that the results to be obtained would justify the trouble and expense which would be entailed on the importer, while the marking of every parcel of fruit in the hands of the retailer would be impossible.

" 42. The proposal to compel English manufacturers to mark their jam pots differs from the proposal to exclude goods arriving at the ports without marks, and could not in the opinion of the Committee be satisfactorily enforced.

" 43. The Committee are of opinion that there are some imported articles of agricultural and horticultural produce, such for example as eggs, which could be marked, and that such marking would render difficult the present fraudulent practice, which appears to be widespread, of selling foreign goods as English, with the further result of stimulating the British agriculturist to produce articles of the freshness and origin of which purchasers would then be assured. Without entering into the details of the Bills introduced by Mr. Howard Vincent and Lord Denbigh which have not been referred to the Committee, they are of opinion that the subject of the compulsory marking of imported goods is deserving of careful consideration by Parliament, with a view to ascertain how far it may be possible to impose those conditions on such goods as are clearly capable of being marked.

" 44. The danger to health in admitting to consumption milk from dairies over the sanitary condition of which there is no control, and the substitution of other articles for butter and cheese, are reasons, in addition to the protection of the consumer from fraud, and the encouragement of the depressed industry of agriculture, which lead the Committee to give expression to this opinion.

" Summary of Recommendations.

" 46. The Committee recommend—

" (1.) Careful inquiry by the Commissioners of Customs whether as to any marks, though apparently innocent, are, or are not calculated to mislead, and therefore contrary to the spirit of the Merchandise Marks Act.

" (2.) Increased vigilance in the inspection of fruit imported in closed packages.

" (3.) Inquiry by Parliament into the general question of the compulsory marking of imported goods, with a view to its application to such articles as are suitable for the purpose."

It is moved by the Earl of Onslow, That the Draft Report be considered.

The same is *agreed to.*

Clauses 1, 2, and 3 are read, and *agreed to,* with an Amendment.

Clause 4 is read, and *agreed to,* with Amendments.

Clause 5 is read, and *agreed to.*

Clauses 6, 7, and 8 are postponed.

Clause 9 is read, and *agreed to,* with Amendments.

Clause 10 is read, and *agreed to,* with an Amendment.

Clause 11 is read, and *agreed to,* and is added to Clause 10.

Clauses 12 and 13 are read, and *agreed to.*

Clause 14 is read, and *agreed to,* with Amendments.

Clause 6 (postponed) is read, and *agreed to,* and is inserted after Clause 14.

Clause 7 (postponed) is read, and *agreed to,* with an Amendment, and is added to Clause 6.

Clause

Clause 8 (postponed) is read, and *agreed to*, with Amendments, and is inserted after Clause 6.

Clause 15 is read, and *agreed to*, with Amendments.

Clause 16 is read, and *agreed to*, with Amendments, and is added to Clause 15.

Clause 17 is read, and *agreed to*.

Clause 18 is read, and *agreed to*, with an Amendment.

Clause 19 is read, and *agreed to*, with Amendments.

Clauses 20, 21, and 22 are read, and *agreed to*.

Clause 23 is read, and *agreed to*, with an Amendment.

Clause 24 is read, and *agreed to*, with Amendments.

Clauses 25, 26, and 27 are read, and *agreed to*.

Clause 28 is read, and *agreed to*, with an Amendment, and is added to Clause 27.

Clause 29 is read, and *agreed to*, with Amendments.

Clause 30 is read, and *agreed to*.

Clause 31 is read, and *agreed to*, with an Amendment, and is added to Clause 30.

Clauses 32 and 33 are read, and *agreed to*.

Clause 34 is read, and *agreed to*, with Amendments.

Clause 35 is read, and *agreed to*, with an Amendment.

Clauses 36, 37, and 38 are read, and *agreed to*, with Amendments.

Clause 39 is left out.

Clause 40 is read, and *agreed to*, with an Amendment.

Clauses 41 and 42 are read, and *agreed to*.

Clauses 43 and 44 are read, and *agreed to*, with an Amendment.

Clause 46 is left out.

It is moved, That the Draft Report, as amended, be agreed to.

The same is *agreed to*.

Ordered, That the Lord in the Chair do make the said Report to the House

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Die Lunæ, 7° *Maii*, 1894.

	PAGE
Mr. Walter Wheeler Berry	3
Mr. John Wood	13
Mr. Edwin Vinson	17, 25
Sir Charles Mills, K.C.M.G.	23

Die Lunæ, 4° *Junii*, 1894.

Mr. Thomas Mitchell	27
Mr. Walter Forrest	32
Mr. William Templeton	35
Mr. James Coles	37
Mr. George Shaw Scott	38
Mr. T. F. Blackwell	41

Die Lunæ, 11° *Junii*, 1894.

Mr. Robert Scott	47
Mr. Horace Alfred Damer Seymour	51
Mr. Michael Simons	54
Mr. Alexander Lamberton	57
Lieut. Colonel Howard Vincent, C.B., M.P.	61

Die Lunæ, 25° *Junii*, 1894.

Mr. John Isaac Watts	65

Die Lunæ, 7° *Maii*, 1894.

LORDS PRESENT:

Earl STANHOPE.
Earl of ONSLOW.
Lord RIBBLESDALE.
Lord DE L'ISLE AND DUDLEY.
Lord BELPER.
Lord LAWRENCE.
Lord MONKSWELL.

THE EARL OF ONSLOW IN THE CHAIR.

MR. WALTER WHEELER BERRY is called in; and, having been sworn, is Examined, as follows:

Chairman.

1. ARE you a fruit grower?—Yes.

2. You are, I believe, a member of the Kent Fruit Growers' Association?—Yes, and I am deputed to attend here as representing that body.

3. Will you tell the Committee what the Kent Fruit Growers' Association consists of?—It is an association of growers and landowners, who subscribe to a common fund to look after the interests of the growers generally.

4. Has it any connection with the Fruiterers' Company?—None whatever; it is quite local.

5. How wide are its operations; do they embrace the entire county of Kent, or do they go further?—They go further; they look after the interests of the grower wherever the grower's produce goes as regards such questions as the honest dealing of the middlemen employed, and so on, and the question of railway rates has been more particularly looked after.

6. Are its members entirely drawn from the county of Kent?—I think at present the whole of the members are resident in the county of Kent; but it is anticipated to extend the association.

7. How long has it been in existence?—About five years, I think.

8. Can you lay before the Committee any evidence to show that foreign fruit is sold in the English market as English-grown fruit?—Some twelve months ago I had some considerable intercourse with members of the Board of Trade in regard to other matters, and this matter then was creating some interest in anticipation of your Lordship's Committee calling fruit witnesses before you during the last Session, and at the request of Sir Courtenay Boyle I wrote him a letter setting forth the case as it affected us. If you will allow me to read that letter, I think that would open up the case in a better way than anything I could suggest.

9. Will you read the letter to us and put it in?—The letter I wrote to the Board of Trade

Chairman—continued.

was as follows:—"To Sir Courtenay Boyle, Board of Trade, Whitehall, S.W. My dear Sir,—The importation of foreign and colonial fruit.—I think the attention of the Board of Trade should be drawn to certain matters which have arisen in connection with the above. A good deal of dishonest business has been carried on in recent years by English fruit merchants and commission salesmen in turning foreign fruit out of their original packages, and offering it for sale in purely English packages similar to those which convey Kentish fruit to market. This fruit, when so repacked, has been sold in very large quantities to the home trade as English fruit. Finding this a lucrative business, the traders during the last three seasons have gone farther, and are now sending large quantities of Kentish fruit baskets to the Continent to be there filled with fruit and consigned to them in London and other markets. You will understand that the English buyers are easily deceived by this trick, as the fruit, when landed at such ports as Dover and Folkestone, is taken to London by the same railways as take the home-grown fruit; and as the baskets are identical with those filled in our own orchards and plantations, and are probably delivered to the markets at the same time and on the same vans no suspicion arises, but that the fruit is of English production. The Kent Fruit Growers' Association (of which I am a member) have endeavoured to draw some attention to this matter. On their behalf during the summer of 1891," (the Association, I think, had been in existence two years then) "I took steps to induce the Excise officers at Folkestone to stop a consignment of fruit so packed and consigned to a London fruit broker under the Merchandise Marks Act, the only mark on the baskets being the London salesman's own name. These gentlemen declined to accede to my request unless they had instructions from the Board of Customs in London. The matter was brought

Chairman—continued.

to the notice of the Board, and they were requested to take steps in the matter, which they have hitherto not seen their way to do. The custom has become so serious that the English growers are suffering enormously. In the first place, the Continental fruit has to be picked before it is quite ripe, in order to get it here and sell it whilst it is sound. In consequence of this, the fruit is of very poor flavour and contains very little juice. The English jam boilers are in the habit of contracting with fruit merchants for their supply, and when buying 100 tons, as the case may be, of black currants of an English fruit merchant, they have no idea that they run any risk of getting a large quantity of foreign put into this contract. The trader, finding the foreign market advantageous to him, gets large quantities packed and consigned in the way I have described, and they are delivered direct to the factory exactly in the same way as English, and it is found in the process of manufacture into jams, jellies, &c., that the fruit is very poor. When complaint is made to the merchant, the answer he gives is, that, being the first pickings of the season, they are naturally not so good as they will be later on. In the season 1891, this practice was largely resorted to, and the quality of the early deliveries proving so unsatisfactory to boilers, they declined to go on buying at the price which was then established, and reduced their offers for future deliveries by 4*l.* per ton; so that the English fruit about to arrive at market had to be sold at this serious reduction, purely on account of the manufacturer having been deceived in the early deliveries. As my brother and I were holders of about 100 tons at this time" (that was a case of black currants) "it was a direct loss to us of several hundred pounds. Evidence can be got, if necessary, from one or two of the principal English fruit boilers who are desirous of buying nothing but English fruit, which, they say, is essential to their producing a first-class article. Tomatoes of foreign growth are very largely sold as English, and I would point out that the flavour of this fruit when sold at the best price, on account of its being declared to be English, is disappointing to the purchaser, and greatly reduces the consumption of the article. In these times of agricultural depression, when we, as agriculturists, are looking out for anything that we can grow to take the place of the usual agricultural crops, to enable us to keep in our holdings, we find it very hard to have to contend with the dishonest practices so common in the fruit trade. We do not raise, as an association, any objection to the free import of foreign and colonial fruit, so long as it is so packed and sold that the consumer knows that he is buying foreign or colonial fruit. These supplies are useful during seasons when we have nothing to dispose of. The varieties of fruit chiefly sold as English are, grapes, black and red currants, greengages, plums, tomatoes, pears, and other varieties of fruit to a less extent. The suggestion I would make is, that the packages containing foreign and colonial fruit and vegetables should be subjected to the same regulations as packages containing margarine. Having carefully read the Margarine Act, I, as a fruit grower and merchant, see no reason why foreign and colonial fruit should not be brought under similar regulations." That is, just roughly, an outline of our case.

Chairman—continued.

10. You said that in the first instance, as I understand, the practice was to take the fruit out of the foreign packages and put it into English packages?—Yes.

11. Will you describe what is the difference in appearance between the foreign packages and the English packages?—The foreign packages are usually small boxes, or what are known as pads, which is a neat square hamper with lids; brown or white wicker baskets, usually with lids. The package that is very largely used is exactly similar to the packages which contain margarine.

12. Have they any mark?—There is no mark but the trader's own mark to identify the package.

13. You are speaking of the foreign packages?—I am speaking of the foreign packages.

14. Do you say it has the foreign trader's name upon it?—It has the name usually; sometimes initials, a red V, or a blue ✕, or something of that sort.

15. Has it any word like "fragile" or "dessus" upon it?—The cases very frequently have.

16. Now, will you describe the English package?—The English package referred to in that letter as the one most largely used, is a round basket about eight inches deep, with a rim, with an open top, which contains 24 lbs. net, the basket weighing four pounds, which makes 28 lbs. gross, or 80 baskets to the ton. That is the usual form. Everybody who buys such a basket knows he is buying 24 lbs. of fruit net. Whilst on the question of the package I might say that this letter was written as affecting the case as it stood in 1891. To-day this question of importing fruit in these identical packages has so increased that I know of one parcel now which has been made up for the Continental trade of no less than 10,000 packages; and I have been offered only this week to buy 1,000 of these English baskets which have been expressly made from patterns sent over to Holland. They will come over as soon as the fruit is ready, and they are not to go back, but they are to come here to be sold to Kent growers to be filled with Kent fruit. They are anxious to get the whole thing so completely mixed up that no one can tell whether they are foreign or English.

17. Are the English packages usually marked with the name of the salesman or grower?—Yes.

18. When they are sent abroad, and foreign fruit comes back in them, do they still bear the saleman's name?—Yes, and nothing else.

19. You made an attempt, as I understand, to get the entrance of these baskets prohibited under the Merchandise Marks Act?—Yes.

20. You approached the Custom House Authorities at Folkestone with that object, I believe?—Yes.

21. And they communicated with the Custom House Authorities in London?—No; they left us to do that. The matter was taken up by Mr. Herbert Knatchbull Hugessen, who is the Member for our Division.

22. Did

Earl *Stanhope.*

22. Did you receive no answer from Sir Courtenay Boyle to the letter you have read to the Committee?—I received just an acknowledgment of the letter, and I received a verbal answer the next time I saw him. It was intended that he would make some use of that letter, had you asked him to give evidence with respect to fruit before this Committee; but you only called upon him to give evidence with respect to meat.

Lord *Belper.*

23. With respect to these particular baskets as to which you raised the objection, do you know whether they had any name or mark upon them?—Yes, they had the London salesman's, one of the most well-known firms in London.

24. In Covent Garden?—Yes.

25. Were they second-hand baskets?—They were baskets that had been used a great many times. It is the chief custom in the English fruit trade for the broker, the salesman, or the middleman, you may call him, to supply all the empties; for a stipulated commission he finds all the baskets, and sends them down to the various growers. They go to and fro till the packages are worn out. Now they have adopted the system of sending them even across the water and getting them filled with foreign fruit exactly as the baskets are in this country.

26. I understand you think there is a design in always using the baskets with the salesman's name on them; I gather that the foreign baskets are not sent down to the Kent growers, are they?—Never. We would decline to take them.

27. There is no distinction now, I understand, as between the two, except in name?—Yes. When these go across the water and bring French fruit back, none but a practised eye could detect the difference between the French fruit and the English fruit; you would not know the origin of the fruit from the packages. And what we would contend is this, that each package should bear some indication of where the fruit originated, in the same way as in the case of manufactured articles.

Chairman.

28. Are you familiar with the provisions of the Merchandise Marks Act?—I have read it, but not just recently.

29. Will you allow me to call your attention to sub-section 2 of section 3, which says: "The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement, or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are." In your opinion were those baskets which you saw at Folkestone with the English grower's name upon them likely to lead a person to believe that they were the manufacture of some person other than the person whose manufacture they really were?—Yes. The only difference would be that it would be "produce" instead of 'manufacture." I do not think the word "produce" comes in in that clause. It does come in in another clause, and we think it ought to cover the point and that the package ought to be so branded.

Chairman—continued.

30. What answer did you get from the Custom House authorities?—None; except that we got our member, Mr. Knatchbull-Hugessen, to take the matter up. He went before the Board in London and explained the whole matter, and it was promised that attention should be given to it, and he had some reply to the effect that the Customs did not see their way clear to bring the fruit under these regulations.

31. Did they say on what grounds?—I think not; I do not think we got a full reply from them.

32. You do not think you got an answer that this Act only covered manufactures?—No; it would be very desirable that it should be quite clear, and we got Mr. Herbert Knatchbull-Hugessen to bring the matter up.

Lord *De L'Isle and Dudley.*

33. You stated that Folkestone and Dover were the two ports where these packages of foreign fruit were sent to chiefly; do you know whether they are sent to any other ports?—I think they are sent to other ports; but the two ports I mentioned are the ports in our county which are served by the two railway companies that serve us, and from which the fruit is carried to the London markets in exactly the same way as the English fruit, and no one can tell whether the fruit was landed at Folkestone or whether it was packed at Staplehurst or Paddock End, or any other of the places in our district.

34. You have reason to believe that what is done at Folkestone and Dover is done at other ports?—Yes; in fact, I may say I am aware of it.

Chairman.

35. You said that the foreign fruit sent to this country was immature?—Yes. The Committee will readily understand that this fruit must be picked some days before it is ripe, or it would not arrive in the London market in sound condition.

36. Does it come into the market earlier than the English fruit?—Yes; and that is a grievance. You will understand in the case I refer to where jam boilers buy their supplies in advance, it is the custom to estimate what the crops are going to be by a portion of the growth, and the prices are fixed on a portion of the growth, because, of course, the boilers have to buy in advance; they cannot be buying and manufacturing at the same moment. For the earlier supplies the traders find that if they could get this foreign fruit put up into these baskets, they could put in the first third of the contract at a price that would leave them about 8*l.* a ton profit. The manufacturers have found out since that tricks have been played upon them certainly; but at first when they received these earlier supplies and found them very disappointing, they would condemn the whole of the English crop as bad, simply because these first deliveries, which they thought were

Chairman—continued.

English, were not not really English at all, and had proved altogether unsatisfactory.

37. Supposing these packages were marked as foreign fruit, so that it was known to be foreign fruit, that would not in any way assist the English growers, would it; because, I suppose, the boilers of this fruit buy it and do not care whether it is English or foreign as long as they get good fruit?—I think they care a good deal about that; they would have English fruit if it were possible to get it.

38. On what ground?—The English fruit is better and more satisfactory in the manufacture. If the foreign fruit is allowed to get sufficiently ripe to be of first-class quality, and to give off an essence and flavour equal to thoroughly ripe English fruit, when it arrives here it is out of condition and will not keep sound.

39. That applies, I presume, to the more perishable sorts of fruit?—Yes.

40. But apples, I presume, for instance, are a crop that would not be affected in the same way?—Not seriously. I know of no reason personally to advocate such an arrangement for apples as apart from other varieties of fruit.

41. What sorts of fruit would you include?—I think you would have to include all fruits, for it would be difficult to include one kind and exclude others. The same difficulty hardly arises with apples. Apples are packed in casks, and it is perfectly well known that we get American apples, and Spanish apples, and French apples; they come in in their seasons, and it is understood what they are, and they take their proper position. But the real difficulty arises with regard to fruit that is identical with ours; that is to say, cherries, and black and red currants, and plums and gages.

42. What is the process by which the foreign-grown fruit finally reaches the hands of the jam boiler; through how many hands does it pass?—If you take the case of the ordinary French supplies of fruit, there are merchants in Boulogne who collect the fruit in that district; then there are very large merchants in Paris, who have their agents in various towns and in the south, and the fruit is bought in small quantities from small growers, and sent to Paris in considerable quantities, and it is there packed for the English market.

43. Whom is it consigned to?—It is consigned to the agents in London, or, to take the case of such articles as I have referred to, black currants for example, are frequently sold in advance, fifty or a hundred tons in a parcel, to be delivered when ready.

44. Who are the parties to the contract?—The jam manufacturers will usually contract with London brokers, who make their contract with Paris or Boulogne, or Amiens merchants.

45. When all these goods come to London, how do the agents dispose of them; do they send them straight down to the jam makers?—If they are sold in large quantities, they are usually delivered direct from the railway company into the manufacturer's works.

46. He has them invoiced to him, not by the grower or the collector in France, as I understand, but by the agent in London?—Certainly.

Chairman—continued.

He does not know where the fruit comes from or anything about it.

47. Coming to the fruit that is sold by auction in Covent Garden, is that also the subject of complaint?—There are two modes of business with regard to that fruit: one is that the fruit is sold by the agent in the London market on behalf of the actual owner, and sold on commission; and the other is the speculative business, that is to say, the broker or dealer in London buying in Paris and other places, and ordering forward, running the risk of what they can get out of it.

48. Are they deceived as to the country of origin of the fruit?—The brokers are not deceived; it is the people who buy from them who are deceived.

49. Are they the retail fruiterers in London?—Yes, and the middlemen. Before the fruit gets to the shopkeeper, unless he is a very large shopkeeper, it goes through another set of hands.

50. Will you tell us where the misrepresentation begins. I understand you to say the broker is not deceived, the broker knows all about it, that is to say, the man who sells in Covent Garden?—The broker, in my opinion, is the man who commits the fraud. He false packs it for his own sake.

51. He sells it, as I understand, to the retail fruiterer, and the retail fruiterer believes that he is getting English fruit; is that so?—The retail fruiterers are getting their eyes opened now. I should not say to-day that, as a rule, the retail fruiterer believes he is getting English fruit when he is really buying foreign fruit. They have a pretty good idea now of what is going on.

52. Do they know it to be foreign fruit from the quality of the fruit, or by what means?—They would know from the season. They are able to ascertain that English fruit will not be in the market for a few days, and so they would know this must be foreign fruit. I think nowadays the shopkeeper generally knows pretty well.

Earl *Stanhope.*

53. Does the shopkeeper commit a fraud by selling foreign fruit as English fruit sometimes?—Yes. That is a matter of complaint which I hope to have an opportunity of touching upon presently.

Chairman.

54. Confining ourselves for the present to the wholesale trade, I understand you to say that these baskets of fruit are brought into Covent Garden Market, having all the appearance of the English baskets?—Certainly.

55. They are sent out to France to be filled with fruit there, as you have described, and then the baskets come over to the jam manufacturers?—Yes, in exactly the same way as the English.

56. You say that you think the purchaser in Covent Garden Market has had his eyes sufficiently opened now and knows pretty well where the fruit comes from?—I think, as a rule, the large buyers have a pretty general idea of what it really is.

57. That is to say, that they know at certain seasons

Chairman—continued.

seasons it is impossible that the fruit which they see in the market could be grown on an English farm?—Yes.

58. Then, that being so, no marking would assist you in that respect, would it?—No, it would not assist us so far; but when these baskets begin to be sold out in fives or tens and put on costermongers' barrows and put into shops, it would be seen then. For instance, if you go into a West-End shop and buy any article, you may see in the window, if, when you go inside the shop, you see all these baskets with the names distinctly marked, just as you may now see in a grocer's shop the baskets marked "margarine." You cannot fail to see that that man sells margarine, for he has baskets with "margarine" distinctly marked upon them; so if the baskets of fruit were identified in something like the same way (and I see no difficulty whatever in so doing), everybody would know that it was foreign stuff.

59. But there is this distinction, as I understand, between margarine and fruit, that margarine is made all the year round, whereas fruit cannot be grown in England at certain seasons; and when fruit is being sold at times when there can be no English fruit to compete with it, everybody would understand, would they not, that that was foreign fruit?—I think that is scarcely so. The point we want to bring out is this: if you go and buy cherries, for example, which you are told are "best English cherries," as you will often see them marked in shop windows, and if you find them exceedingly poor and tasteless, when the English cherries really come to the market in the following week, you do not care about getting them, because you have been disappointed with what you believed to be best English cherries; whereas, if you knew, as a matter of fact, that you were buying foreign cherries which were picked before they were ripe, in order to get to the market while they were sound, you would buy cherries the next week or fortnight, when really good English cherries were to be had. In that way the consumption of English fruit is very much crushed by the public being deceived. They buy fruit that is absolutely worthless, and, when the English fruit really comes into the market, there is not the demand for it that there would be if the public could rely upon buying English fruit.

Lord *De L'Isle and Dudley.*

60. How much earlier is the foreign fruit to be had?—In the case of currants it would be from eight to ten days earlier.

61. And for cherries, what would it be?—Cherries are grown further south.

62. Currants, you say, are about seven or eight days earlier abroad than in England?—Yes. As large growers we are affected more by currants and gages and plums.

63. You said just now that English apples were sometimes, as I understand, packed in barrels. That is not often the case, is it, in England. Apples are generally packed in baskets, are they not?—I was then referring to foreign apples, not to English.

64. It is only foreign apples that come in in

Lord *De L'Isle and Dudley*—continued.

barrels, is it not?—We pack a great many now in barrels.

65. Are they not generally packed in casks?—Some growers pack in casks, but we are growing so many apples now that we pack them in barrels, three bushels to the barrel, and the custom is being adopted to pack apples very largely in barrels, in order to save the trouble and cost of packing them in baskets.

Earl *Stanhope.*

66. What is the remedy you suggest to prevent wholesale salesmen selling foreign fruit as English fruit?—I think every basket should be distinctly labelled.

67. When the fruit is taken out of the basket, what next?—I am not able to follow it any further. I do not think it would be advisable to ask that the paper bags in which the fruit is put up should have the place of origin printed on them. We do not think it is necessary to go so far as that. If the Excise Officers had instructions that nothing should pass them on the quays that did not bear a distinct mark of its place of origin; as a fruit grower, that is as far as I am prepared to go.

Chairman.

68. Are you acquainted with Colonel Howard Vincent's Bill for the placing of a mark of origin on foreign goods, which was rejected by the House of Commons last Wednesday?—I had two or three interviews with Sir William Hart Dyke, and with two or three gentlemen, when that Bill was drafted, when the question of how that Bill would affect those technically interested in the subject, was discussed.

69. Would that Bill meet your object?—Yes; that was the intention of the Bill. It goes further than I individually care to see it go.

70. You will understand that I am not talking of Mr. Hozier's Bill, but of the Bill introduced by Colonel Howard Vincent?—I am referring to the Bill brought forward last year.

Lord *De L'Isle and Dudley.*

71. You are referring to Sir William Hart Dyke's Bill of last year, are you not?—Yes; I was under the impression that this Bill was practically identical with that.

Chairman.

72. I will just read a clause from this Bill: "From and after the passing of this Act no goods imported into the United Kingdom, which do not bear a definite indication of the country in which such goods were made or produced, or from which they were so imported, shall be exposed or offered for sale." Would those words, which would of course cover every sort of manufacture and produce imported into this country, including fruit, meet your view?—Yes, individually; but there are merchants and salesmen exclusively interested in the English trade who would be very glad to come here and give you further evidence than I could give you in detail upon that matter. There are also a large number of the principal manufacturers who would be very glad to assist you in the same way. I had a correspondence some time ago with one of the

largest

Chairman—continued.

largest manufacturers in the North, who declared that the statement I had made at a public meeting, similar to that contained in the letter which I have read to the Committee, was perfectly true. He said he had been terribly deceived, and that he would be very glad to see anything done to check these large quantities of foreign fruit being thrust upon the market and sold as English fruit.

Lord *Belper.*

73. Do you not think that one of these large buyers, who use large quantities of fruit, having once found out that they had been deceived, would not be deceived another time?—No; I think such a man is likely to be deceived many times, because he never goes to market.

74. Do you not think he would gain the same knowledge by experience as the retailer does in Covent Garden Market?—No; because the retailer goes to market every day and sees what is going on, and if a man sees large loads of baskets going away labelled "To Boulogne" instead of going labelled "To Ashford," or some other place in the fruit districts in this country, he begins to guess what they are going to Boulogne for, and he is able to trace it out.

75. I understand you to say that the large manufacturer has now reached the same position, and that he knows that this deception is going on, and knows that he has been taken in already. Is there no means that he can take to enable him to find out, on the second or third occasion, that foreign fruit has been sold to him instead of English fruit?—He may put a clause in his agreement when he enters into a contract that he is to have purely English fruit; but there is no absolute guarantee that he will get it; which he would have if the law were such that packages could not be landed in this country without a distinct brand upon the package. Then everybody would know that they were really getting what they contracted to buy.

76. Do you not think that a large manufacturer acquires some skilled knowledge with regard to the fruit itself, which would cause him to take measures to ensure that he does get English fruit in future?—Yes; but at the same time I would say this: Take the case of currants grown within twenty miles of Boulogne and currants grown within twenty miles of Folkestone. There is only about a week's difference in the time of their ripening, and there is hardly any difference in appearance; they are almost as like as two peas; it is very difficult to swear whether they are English or foreign unless you can trace them.

77. The mere fact that the one is picked unripe and left to ripen on the way, and that the other is picked ripe and delivered at once, would not enable him to distinguish between the two?—No; because you sometimes get a shade of difference in the colour, owing to the soil in this country, and then some growers will pick a day or two earlier, because they are short-handed and cannot get through all the picking in time. There are indeed various reasons why English currants will vary slightly in appearance though they are never uniformly unripe.

Lord *Belper*—continued.

78. Your proposal would compel the baskets that were used, whatever their shape was, to be confined either to the foreign trade or the English trade?—Yes.

79. They could not be interchanged between the two?—That is what I would recommend. I think that if every basket that came had a tally woven into the wicker with the name of the district from whence it came full of fruit, that would meet the case, and it would be no hardship upon anyone. It would cost nothing if it was done when the basket was made.

80. I suppose the wholesale dealer would say that it is an economy to him to use the same basket both for the foreign and for the English trade, because it goes on for a longer period?—Yes; and not only is there an economy in that way, but he also gets a profit. If he can buy foreign fruit six or eight pounds cheaper than the English, he gets his profit in that way.

81. I am not speaking of the profit which he makes by selling foreign fruit instead of English; but the point I am putting is, that if he can use the basket a fortnight longer, that in one sense may afford a further economy to the grower?—Yes; I can quite see he would make that point.

Earl *Stanhope.*

82. In regard to the deception which is practised, you say, sometimes upon the consumer by the retail seller, have you found instances of that frequently?—Yes.

83. That is to say, a person sells foreign black currants or strawberries as English fruit?—I can give you a case in point which I followed up myself. Of course one hears a great deal said about such cases, but what the Committee want, of course, is personal knowledge of facts. I went into a London shop only last autumn——

84. Do you mind saying in what part of London it was?—It was in the Clapham-road. There was rather an attractive show of peaches in the shop window with a large notice, "Finest English peaches." I knew at once they were foreign peaches because I had a technical knowledge of the trade, and I knew they could not sell the finest English peaches at a shilling a basket with three or four peaches in the baskets. The finest English peaches were worth a shilling a-piece at that time of the year. However they were labelled "Finest English peaches," and I went in and bought a basket. The man gave me the basket out with the tally actually in the basket containing the words, "Finest English peaches." I carefully put the tally into the bag, with the intention of bringing it here, but the man noticed what I was doing, and took it out. Of course I had not the right to take it, though I would have liked to have brought it away. When I had purchased this basket I turned round and asked him whether some peaches which were in the original packages on the shelf were not similar, and he said, "Oh, yes; they are just the same." I bought one of them just to show they were identically the same thing. Those peaches would cost, according to my knowledge, at the then market value, about 24 peaches for a shilling, and they were sold four or five peaches, according to the size, at a shilling a basket. Now those peaches

Earl *Stanhope*—continued.

peaches were distinctly nasty. No one who had tasted one of those peaches would care to taste another. I say that that has this effect, that a customer goes and buys what he supposes are the finest English peaches, and he finds those "finest English peaches" are not worth eating, that hinders the sale of *bonâ fide* English fruit.

85. If this tradesman had had any idea that you were an expert, would he not have removed that label "Best English Peaches" from his counter before you came in?—I should think, probably, he would. I happened to be walking with ladies and he had no idea I knew anything of the trade.

86. I have heard a story (I do not know whether it is true) that some of the fruit growers in Kent put foreign fruit into their English baskets to make a profit; you have not heard of that perhaps?—I do not think that would be so; I do not think any English grower could get any advantage by so doing. But there are salesmen in London who have bought at auction purely foreign packages and have taken them into the cellars underneath the market and have there tipped them into English packages and brought them up and sold them at a very handsome profit; they have palmed them off as English fruit.

Lord *De L'Isle and Dudley.*

87. In fact, you think a good deal of fraud goes on?—Yes, a great deal; and that fraud is distinctly detrimental to our interests.

Lord *Belper.*

88. As regards that case which you brought before the Custom House authorities, what were the marks on the basket?—There was only the name of the London broker round the basket.

89. Then in either case, whether it came from an English grower or whether it came from a foreign grower, the basket might be consigned to the same broker, and would have the same name upon it?—They are consigned to the same broker.

90. Therefore that clearly would hardly be a mark which the Board of Trade could take exception to as being calculated to deceive as to the place of origin?—No; I do not think the Board of Customs understood the point that those baskets were never seen, or until that time never had been seen, containing other than purely English fruit, and those purely English baskets of that shape and style with the name of a man who has been in the habit of selling them for many years, when they were sent over and filled with French fruit, deceived everyone for two or three season.

Chairman.

91. They would not deceive a broker, would they?—They would not deceive the man they belonged to.

92. The only person they would be calculated to deceive would be the jam makers to whom the broker was going to send them?—That would be so, chiefly.

93. Then, in your opinion, was the misrepresentation by the broker calculated to mislead the ultimate purchaser?—Yes.

Chairman—continued.

94. In that way you think it should come under the Merchandise Marks Act?—I think it ought to do so.

Lord *Belper.*

95. Still it is questionable whether at the port of entry a basket of a particular shape with the name of the man it was consigned to could be taken to be a basket having a mark that was calculated to deceive?—I think it would be difficult. I do not think they could have stopped that particular lot of fruit; but it would be only fair to us to say that those baskets should have on them some mark which distinctly indicated to everyone that the fruit was not of English production.

96. That is what you wish the law to be, but I was taking the case, as I understood, in which you rather complained that the matter had not been taken up by the authorities, and I was trying to find out the reason?—My point is this: I would not so much complain of their not stopping them in that particular case, but that they did not take such steps as would carry out in future cases what I thought was the spirit and intention of the Act.

Chairman.

97. As to the intention of the Act, that is rather a question of opinion?—Of course it is a question of opinion, and I am not competent to judge of it.

Lord *De L'Isle and Dudley.*

98. I happen to be rather a large grower of fruit myself. Suppose I chose to put the words "English fruit" on all my baskets, both my own and the others, would that in your opinion do me any good?—Yes, in my opinion it would. What I am doing is this: the way we pack our fruit in these round baskets is to put a sheet of paper, or two sheets, on the top, and then to put bracken, or grass, or straw, according to the season of the year, over all, and away it goes. I have the whole of my packing paper printed with the words, "This fruit is grown by B. G. Berry, Kent." Every package is packed in that way, and as I pack my fruit honestly and do not send rubbish to market (I keep that at home), after a year or two my brand becomes known in the market and people cannot be deceived; if it is Berry's fruit they know it is all right, and that does me a great deal of good.

99. You do not put anything on your basket?—No.

Earl *Stanhope.*

100. At the Dover Custom House the officer could not stop baskets which were marked merely with the name of the agent in London, could he?—No, I do not think he could.

101. If the fruit was brought up to Covent Garden market and sold as English fruit, being foreign fruit, of course that is another matter?—Yes.

102. That is where the shoe pinches, as I understand?—Yes, as a matter of fact it was delivered direct to the factories in that case and did not go into the market.

Chairman.

103. Does your association comprise most of the growers in Kent?—It comprises a great number of the principal growers.

104. Do they all adopt your practice of putting their names upon the packets?—Yes, very largely so.

105. If they all did that, would it not, by a process of exhaustion, come to the knowledge of everybody in the trade, that unless there was the mark of the English grower upon the package, it must be a package of foreign origin?—Yes, after a time that might become known; but it seems a rather round-about way of coming to the point.

106. Your object might be affected in that way, might it not, if it were possible for all English growers to mark the packages with their own name for their own protection?—Yes.

107. I do not know whether you have explained to the Committee altogether in what way the misrepresentation in retail fruiterers' shops arises. You told us that a certain number of baskets were seen marked as English which really contained foreign fruit?—Cherries and strawberries and other kinds of fruit; grapes, for instance, are labelled in the same way.

108. How are they labelled?—"Finest English Hothouse Grapes," for instance, when they are very ordinary imported grapes. Grapes worth a shilling a pound are sold at three shillings in that way.

109. Have your Association ever attempted a prosecution in such a case as that?—No.

110. Would you not be likely to succeed in such a prosecution. Is not that obtaining money under false pretences?—I think it is possible we might do so. We could do it, but we think that the right way to get the work done is to ask Parliament to help us by getting an Act.

111. You prefer to ask Parliament to help you than to help yourselves?—Yes.

Lord *De L'Isle and Dudley.*

112. Would it not be almost impossible for a private individual to carry such prosecutions through?—It would be very expensive. It would have to be done collectively if it were done at all.

Chairman.

113. Are you aware of the Act of Parliament which directs the Board of Trade to undertake prosecutions where there is an attempt to evade the Merchandise Marks Act?—Yes; that has recently come to my knowledge.

114. Have you attempted to move the Board of Trade under that Act?—No, we have been rather relying on this Committee. We have taken no steps whatever until we see what is done.

Lord *Belper.*

115. As regards distinguishing between foreign and English fruit, there is no difficulty, is there, for an expert, in such a case as you mentioned of peaches or grapes, or the better class of fruits, in distinguishing them if he eats them?—No; you would know if you saw them.

116. There would be no difficulty, then, would there, in taking up such a case as that and giving evidence to the effect that he was certain that it was foreign fruit?—No, I think there would be no difficulty. I should be quite sure, of course, before I did so.

Lord *Belper*—continued.

Earl *Stanhope.*

117. You have told us that your fruit is carefully marked and packed; does it command a better price in the market than foreign fruit?—Yes; for instance, English gages, properly packed and put up for the market, will always fetch 10*l.* a ton more than foreign.

118. Taking the case of a jam manufacturer: he wants a very great supply at a particular time, and I presume he would just as soon buy foreign fruit as English fruit, would he not?—He would much rather have the English because the English has a very much better flavour, and he would give something more for the English; but as a matter of fact the gages that are used for manufacturing purposes are very largely foreign, and if the manufacturers buy them, knowing them to be foreign, at a lower price, they do not mind.

119. That prejudices you very much, I suppose, because your less good fruit is not bought for jam making?—No doubt there is not the same room for it as there would be if the jam boilers said, "No, we will not have this foreign fruit; we will have English." As a rule I say that the manufacturers will buy English fruit if they can get it.

Lord *De L'Isle and Dudley.*

120. Is it not an undoubted and recognised fact that English fruit makes better jam than foreign fruit?—Yes. We have had a factory running in connection with our own business for seven or eight years, and we have had experience of that. When we have had a great dearth of any fruit we have occasionally bought some foreign fruit.

121. What you speak of as your own experience is now a matter of public experience, is it not?—I think there is a general impression in that direction.

Earl *Stanhope.*

122. You say when there is a dearth of fruit you buy foreign fruit; do you always state it when you do so?—I think it is generally understood. There were only two occasions when foreign fruit was so used in our factory. On one of those occasions there were absolutely no plums, and we had shipping orders to carry out, and, accordingly, we had to get plums of some kind, and it was understood by the parties who bought it in large quantities. I would not say that in every case every individual knew that it was not English fruit; it was only sold as plum jam. But our experience was that it was nothing like so good as our own English fruit.

123. In many cases, unless it is whole fruit jam, the foreign fruit jams can be made so like English fruit jams as to deceive the public, can they not?—I do not think the public would know. If the public had two pots on the table at the same time, one from good English fruit, and one from ordinary foreign fruit, they would know

Earl *Stanhope*—continued.

know from the flavour directly which was which; but they would not be able to judge from one sample whether it was the one or the other.

Lord *De L'Isle and Dudley.*

124. Where do you think that the loss to your Faversham district chiefly arises; is it as regards cherries, or what?—It is chiefly in currants and plums.

125. What do you say as to pears?—As to pears there is certainly some loss in pears; but generally speaking foreign pears are so vastly superior to English, I mean the ordinary orchard fruit, that I do not think there is any very great hardship where foreign pears would be sold in the place of English, except in the case of the commoner sorts. The common Dutch pears come over sometimes very coloury and handsome samples, and they very much interfere with the sale of our common varieties in such places as Newcastle-on-Tyne and Leith, where the pears come direct by boat, and no questions are asked as to whether they are foreign or English.

126. Our currants are very much better than the foreign currants, are they not?—Very, very much better. But the choice pears that come from the South of France a few days before ours are ready are the very best that could be bought.

127. Pears are not very extensively grown in Kent, are they?—They are getting to be more extensively grown now—I mean the commoner sort. The Pedminstone "Duchesse" is about the best of the common pears that we grow, and that is getting to be grown in large quantities.

Earl *Stanhope.*

128. Have you any experience as to nuts and filberts?—No. I have had no experience as to them. I do not grow nuts—they are grown in West Kent.

Lord *Lawrence.*

129. Do you think that the marking of the baskets would really be a remedy. What is there to prevent people taking the fruit out of these baskets and mixing it with English fruit?—It would be possible for them to do that, but where the great trouble comes in is that hundreds and thousands of packages are sold in a great mass to the largest buyers, because, after all the retail buyers take, the large quantities are bought by big jam manufacturers, who send their manufactured article all over the world, all through the year; they are the people who take the great quantities, such as Crosse and Blackwell, and Mortons, and various other jam manufacturers. If we could be assured that the foreign fruit is not purchased by such buyers as that, we should be very largely assisted. If it is possible to follow it further, and enable the ordinary purchaser of a dozen pounds of fruit to know that it is foreign fruit that he is purchasing, and not English fruit, that would be a great advantage also; but there are various difficulties in carrying that out.

130. A licence to sell foreign fruit would be more effectual, would it not, than marking the baskets?—If every package was distinctly branded with a mark denoting the origin of the fruit, as fruit growers we think that would meet our case.

Lord *Lawrence*—continued.

Lord *Monkswell.*

131. I understand you to say that if the Merchandise Marks Act was applied to fruit, a little combination on your part in packing the English fruit and marking the baskets would meet the case?—I think it is possible for us to make our fruit known. In fact I know as regards my own fruit, whoever buys it knows that it is English fruit; but it is not every English fruit grower that goes to the trouble of distinctly marking his own fruit so that everybody may know whose it is. My real reason for marking it is that it may be distinguished from that of every other grower of fruit.

132. I was dealing with the legislative remedies which you thought might be sufficient to meet the case, and, as the Chairman pointed out, if there was a general combination among the fruit growers to put their own names on the baskets, the case could be met in that way without altering the law. The law at present is that there is a penalty for falsely marking, but it does not compel you to put any mark at all. If there were such a combination of fruit growers as the Chairman put to you, would it be necessary to alter the law and say that the mark of origin must be put on all foreign fruit coming into this country?—I certainly do think that is the right thing to do. It is very much better than compelling us to mark all our fruit.

133. That would be the obvious remedy in your own hands, would it not, if the law was left as it is, and if the only difference made was that the Merchandise Marks Act was made distinctly to apply to fruit; that is to say, you would mark your own baskets with a mark denoting that they were English fruit?—Yes, but we should have to spend a considerable sum of money every year in doing that.

Lord *Belper.*

134. Are the baskets the property of the grower, or are they the property of the broker?—In some cases they are the property of the grower, and in some cases they are the property of the broker.

135. In what proportion of cases are they the property of the grower?—My Manchester broker has been with me this week, and the question arose as to how many new baskets would be required for the season, how many we would provide, and how many the broker would provide, and it was arranged that we should find half and he find half; that was a matter of mutual arrangement. Sometimes the growers find no baskets at all.

136. Does the broker take your baskets and send them abroad?—No, they would not send my baskets abroad.

137. They only send their own abroad?—Yes.

138. Then your marking of your own baskets would not help the matter in that respect?—No.

Lord *Monkswell.*

139. Under the Merchandise Marks Act it would be a fraudulent act on the part of the broker to send a basket marked "English fruit" abroad to be filled with fruit there and come back to this country to be sold as English fruit, would it not?—Yes; but they only send their own baskets abroad, which are not marked.

140. If a broker sent a basket abroad which was marked "English," it would be a fraud, would it not?—But those baskets are not marked "English."

Lord *De L'Isle and Dudley.*

141. I was suggesting to you that it might be marked English; but it is not marked so now, I think, and perhaps it was a new suggestion to you?—Yes, I never heard of it.

Lord *Belper.*

142. If the broker continues to find half the baskets it is clear that even if you agreed amongst yourselves to mark your baskets "English," half the baskets would not be marked "English," because they would be the property of the broker?—Yes.

143. Those baskets could continue to be used for the foreign trade, and you would not have the mark "English" upon them?—Yes, but we must go a little further than that. There are a certain number of merchants who have many thousands of these English baskets for the distinct purpose of deceiving, and no one can compel them to mark them "English" unless the Act of Parliament compels them. We are anxious that every basket returning to this country with fruit in it should have a mark which everybody knows, so that they should know where it comes from.

144. However much you agreed amongst yourselves, you could only deal with the baskets that were your own property?—Yes; and a very large number of baskets are found by the brokers for the English trade; it is only the large growers who find their own.

145. In order to protect yourselves as growers, would you be inclined to find all the baskets yourselves and mark them?—That is a financial question. For a certain consideration we arrange with the brokers for the provision of the baskets. If every fruit grower had to find the capital to provide the baskets, it would be found that a good many of them could not do it.

Lord *De L'Isle and Dudley.*

146. I suppose the baskets would not always be returned?—No; they are frequently made use of to go other journeys for the broker, and they come back with the bottom knocked out.

Lord *Monkswell.*

147. I do not quite understand how you propose to deal with the cases in Covent Garden market, where you complain that people go down into the cellars and change the baskets, and so on. Have you any suggestion as to meeting that case?—If it was illegal to sell foreign fruit as English under very considerable penalties, there are a great many traders in Covent Garden Market who are purely interested in the English trade, and if they saw these cases going on and knew that it was very easy to get a remedy, prosecutions would be very quickly entered into.

Lord *Monkswell*—continued.

148. Then you would have to alter the law; because under the Merchandise Marks Act, or any modification of it such as you have suggested, compelling a mark of origin to be put on foreign fruit, that would not help you, would it?—If we found in the market a distinctly marked English package filled with foreign fruit, and it was known in the market that the man had bought a quantity of foreign fruit, and that he had not bought any English fruit, and had re-packed it and sold it as English when it was really foreign fruit, and had not got a mark of origin on the baskets, we should then be in a position to prosecute him. We are not now in that position.

149. You would suggest a modification of the law to meet that point?—Yes.

150. I do not quite understand the point that you made, that bringing over this foreign fruit tends to prevent the sale of really good English fruit; surely a seller wants to sell as much fruit as he possibly can, and if he finds that by selling foreign cherries as English cherries he prevents himself from selling any more cherries during the rest of the season, it would be very short-sighted policy on his part to do such a thing, would it not?—Yes, I think it is so; but you see after they have had a few days of French cherries, French gages and French pears come along, and this man has only to keep up a supply of foreign novelties, and not put English fruit in his shop; he can go on doing that the whole season through.

151. Your view is, that it is not that less fruit is sold by the dealers, but that fruit of inferior quality is sold instead of fruit of superior quality?—I think less fruit is sold. I am sure thousands of people are disappointed, and do not buy fruit again because they do not get what they think they have got the first time. They get fruit that is stale; they get foreign fruit instead of the English fruit which they think they are buying.

152. Your suggestion is that these fruit growers, who, as you say, spoil the market so much for you, are really acting against their own interests?—I think they are, certainly.

Chairman.

153. With regard to these baskets which are now supplied by the brokers for your fruit, do they contain this label, "W. W. Berry," which you mention as being put upon your own baskets?—They contain the name of the owner of the basket. My own baskets are marked "B. G. Berry." That is my brother's name; that is put on the whole of the baskets, and the salesman has his own name on every basket; he has no other mark of any kind.

154. As I understand, you said you put a paper on the top of the fruit?—Yes; that is a packing paper.

155. With your name and address on it?—Yes.

156. Do you put that on the baskets supplied by the broker as well as your own?—Everything that

Chairman—continued.

that goes from my farm is packed with a printed paper on the top, so that people may know where it comes from.

157. Do you put it in the baskets, whether they are provided by yourself or by the broker?—Yes.

158. Therefore it would be perfectly possible for you to put anything upon the baskets which belonged to the broker?—I do not think I should be entitled to put anything upon his baskets; but, of course, I can put in my paper.

159. By arrangement with him you could put any mark upon the basket you liked?—Yes, if he would allow me to do so.

Lord *De L'Isle and Dudley.*

160. You do not think he would like his name to be interfered with in any way?—I do not think he would.

Lord *De L'Isle and Dudley*—continued.

161. It might prevent his making use of them?—Yes.

Chairman.

162. Why would it prevent him from making use of them; would it be because he would rather sell somebody else's fruit than yours in the baskets?—The baskets do not simply come to me all the year through. For instance, when the Jersey potato trade begins in the spring, the baskets will go over to Jersey before they come down to me.

163. So that confusion might arise if they were marked with your name for fruit when they were used for bringing potatoes?—Yes, there might be some confusion.

The Witness is directed to withdraw.

MR. JOHN WOOD is called in; and, having been sworn, is Examined, as follows:

Chairman.

164. ARE you a fruit grower in Kent?—Yes.

165. In East or West Kent?—West Kent, near Swanley.

166. Are you a member of the association of which the last witness was a member?—No.

167. Are you a member of any association of fruit growers?—No.

168. Did you hear the evidence given by the last witness with regard to the substitution of English baskets for foreign packages to contain foreign fruit?—I heard part of it.

169. Is it your experience that such practices go on?—Whatever market I send to, and whatever part of the country I send to, I always find my own baskets.

170. Have you ever heard of foreign fruit being packed in English-made baskets?—I know of English salesmen sending their own baskets into foreign countries and having those baskets filled with fruit, and brought back into our English markets and disposed of as English fruit.

171. Did those baskets bear any mark?—They bore the mark of the salesman.

172. Not of the grower?—No, the salesman.

173. That is, in fact, exactly what the last witness told us. Can you tell us anything about the retail trade?—Yes.

174. Is there any misrepresentation in that?—A great deal.

175. In what way?—I have been through all the markets in all our English towns for this special object two years ago. I have been twice, and I see there is fraud going on in every place. All kinds of foreign fruit, from the beginning to the end of the season, are sold as English fruit.

176. In what way are they sold as English fruit?—There is a large ticket put up upon a lump of perhaps half a hundredweight or a hundredweight more or less of fruit, "Fine English Strawberries," "Fine English Cherries," "Fine English Gooseberries," and every kind of fruit through all the season, and not one single English fruit in the whole lump.

Chairman—continued.

177. Have you sufficient experience in the fruit trade to be able to say without a shade of doubt that that fruit is foreign fruit?—Yes; I have been at it since I was 17 years of age and now I am nearly 60, and I have hardly ever been out of a fruit plantation.

178. Are you aware of any attempt to institute a prosecution for obtaining money under false pretences in such cases?—I am not aware of any such thing.

179. Is what you describe confined to fruit, or is it also the case with vegetables; tomatoes, for instance?—It is the same thing all round, vegetables the same as fruit.

180. With regard to tomatoes, are foreign tomatoes largely sold as English?—They are nearly all sold as English. No man ever saw a ticket with the word "Foreign" put up in any shop, or on a costermonger's barrow, or in a market-place where there is retail selling going on. It is all "Fine English."

181. Have you ever seen it sold without any designation at all, leaving it to the purchaser to find out for himself?—Very seldom. I will not say I have never seen, but in ninety-nine cases out of a hundred it is "Fine English." As a specimen, I have just brought a little box here to show your Lordships (*producing the same*). These tomatoes are sold as "Fine English."

182. Is there any mark upon that box except "tomatoes"?—That is all.

183. Were those imported into this country?—Yes; they were imported into this country and sold.

Lord *Belper.*

184. There is not the slightest difficulty, is there, for anybody who knows anything about tomatoes, to tell that those are not English?—I am afraid there is a difficulty.

185. The lid of the box is labelled "Canary Islands"?—Yes; they admit they are from the Canary Islands.

186. Then every purchaser of that box of tomatoes would have been perfectly well aware,

Lord *Belper*—continued.

would he not, that the tomatoes were not produced in England, but were produced in the Canary Islands?—But the retailer would not know. When these tomatoes are shored up in a heap (which they very often are), and cased round with English tomatoes, they are all sold as English tomatoes. I have seen in many cases tomatoes like this cased round with English tomatoes, all these being put in the centre. The man coming to market and buying it knows what he is buying; but when he comes back to his shop and retails it out the boxes are not to be seen, of course.

187. What would you propose as a remedy for that?—The remedy that I propose is a ticket with the words "Foreign Fruit" upon it; that is all we want, so long as we, as English growers, can know, and the public can know, what is foreign and what is English.

188. That is to say, you propose that every tomato which is sold should have a label put over it, "Foreign Fruit"?—Not every tomato, but that every seller of foreign tomatoes should put on a ticket with the words "Foreign Fruit."

189. Supposing he had only one tomato, he would still have to put "Foreign Fruit" over it?—That is coming very close.

190. I want to see how far your proposal is practicable?—I hardly say it is practicable for one tomato; but they do not sell them in ones but in pounds, and it would take five or six to make a pound.

191. You want that to apply to everybody who sold fruit?—Everybody who sold foreign fruit.

192. Would you have it apply to costermongers' barrows?—Yes, and the old apple-women at the same time. I only want a ticket merely describing it as foreign fruit, so that the public should know; that is all we can naturally expect to get from any Government. We shall never get anything like protection if we ask it, and it is no good trying, and all we want is to protect our own growth of fruit. If all foreign fruit is labelled as it is sold, "Foreign," I think it would do a great deal of good to our own country.

193. Would not the same effect be produced if all English fruit was labelled as English fruit?—I do not think it requires it.

194. Do you mean that its quality is much better?—Yes.

195. Then is not the quality of foreign fruit so inferior that it would be easily detected?—No. Taking foreign tomatoes, for example, they are picked and packed green, perhaps, a month before they are sold; and I maintain that is highly injurious to anybody to eat such filth as that, though they are sold cheap.

196. There is no difficulty, is there, in anyone who knows anything about tomatoes telling a foreign from an English tomato by its appearance?—There is great difficulty sometimes. That package I have brought here is as it was in the Borough Market this morning for sale; that is a bad sample. But then a little further on in the year you will find that these tomatoes are picked green; and they ripen on the way, or rather they get red; that is, the skin gets red, but the inside is as green as when it was picked; they will never get ripe and fit to eat.

Lord *Belper*—continued.

Chairman.

197. Is not that always a proof that it is a foreign tomato to anybody who cuts one open?—Not at all; you sometimes get them of a very nice colour, and there are plenty of people who do not know the one from the other. The trick of the trade is that a lump of tomatoes are laid out in front of the shop where they are English, and the shopkeeper goes and gets these from the back. A man comes home to his dinner and thinks he has got some very nice tomatoes, and perhaps the servant swears they were English because there was a ticket, "Fine English," and the gentleman naturally says, "If these are English they are as bad as foreign."

198. Did you never attempt to prosecute a person for that?—Never.

199. If it is a matter of such great importance, how is it that none of the wealthier fruit growers in the country have thought it worth while to institute a prosecution?—I suppose we are Kentish fools; I do not know any other answer to give.

200. You know, do you not, that an Act was passed in 1891 giving special power to the Board of Trade, at the public expense, to institute prosecutions where there was an evident breach of the Merchandise Marks Act?—I was not aware of that.

201. Now, with regard to jam manufacture, does the same thing apply in that case?—That is a greater robbery than any part of the whole programme.

202. Will you describe what happens?—I will take red currants, black currants, and plums. The greater part of our wholesale manufacturers, beginning from Crosse and Blackwell, and going down to the very smallest, inevitably buy foreign fruit. Last year I think they bought all their red currants, and their black currants, and their plums foreign. Last year my home growth was not worth picking, and was not picked; we left them for the birds; it would never have paid the expense of picking and bringing to market, because our wholesale manufacturers were filled up with foreign fruit. Take plums, for instance; thousands of tons of plums come into this country, and are made into jams, Switzer plums principally, and all sold as English fruit.

203. Do you mean sold to jam makers as English fruit?—No, not to the jam makers, but sold to the public, the consumers.

204. In the shape of jam?—Yes, in the shape of jam.

205. In what way is it sold as English fruit; is there a label on the pot saying it is made from English fruit?—No; that is what I want to come to. I want a Bill that will compel every jam manufacturer to label his jam, if it is made from foreign fruit, "Made from foreign fruit;" that is all I want.

206. You said just now that a large quantity of jam was made in this country from foreign fruit, and that the public believed it to be made of English fruit; why do they believe that?—Because they naturally expect it is made of English fruit, seeing the English fruit that is rotting about in our neighbourhood. In the plum season,

Chairman—continued.

season, if you were to go into the district where Mr. Berry is, you would see a crop of hundreds of tons not worth picking up off the land to send to market.

207. But the consumers may live in the East of London, and do not know much about Mr. Berry s plums. Do you think they would be led to suppose this is English fruit because certain plums in the country were rotting on the land ?—They naturally expect it is English fruit; but if the jam-pot was labelled "Made of foreign fruit," they would soon know.

208. You said just now that the public were deceived and believed that they were eating English fruit jams when they were eating foreign fruit jams; in what way are they deceived ?—I know a little about the jam trade as well as fruit growing, and I know they are deceived, because for one thing they do not get one pot of English jam where they get thousands of pots of foreign fruit jams.

209. But are they deceived; do they, when they buy a pot of jam, believe that they are getting English fruit ?—I believe they do.

210. You think they believe that?—I think they believe that.

211. You do not believe that they do not care twopence where the fruit comes from as long as it is good jam ?—You cannot make good jam of foreign fruit.

212. What you want done, as I understand, is, that where a jam maker makes his jams of foreign fruit he should put it upon the pot?—That is all I ask for.

213. You think that would lead people to discard jams made from foreign fruit and buy jams made from English fruit ?—That is my point.

Earl *Stanhope.*

214. You are a large jam maker, are you not? —No.

215. I thought I had seen your factory ?—That is my brother's. Still I know a little about the ins and outs of it.

216. With regard to jam-making, you think there would be no objection on the part of jam-makers to put outside the jam-pots "made from foreign fruit" ?—I think I can go further than that; I think I can say for some of the principals in the trade they would only be too pleased to do it.

217. Say Crosse and Blackwell, for instance ? —There is not the slightest doubt that Crosse and Blackwell, with their great reputation, would do it from the first, and I know other great firms.

Lord *Belper.*

218. If jam made from foreign fruit is not fit to eat, do you think you would get jam-makers to advertise that fact ?—I did not mean to say it was not fit to eat.

219. I will modify that: You say it is not at all good ?—It is not at all good.

220. How would you get them to advertise that it was not good ?—They can get plenty of English fruit.

221. But you say you think they would not object to putting a label "made of foreign fruit" on their pots; if the jam that is made of

Lord *Belper*—continued.

foreign fruit is not good, why should they be willing to put that upon their pots, and so advertise that their jam is not good ?—I do not know about that. I will leave it to the witnesses who will follow after me.

Earl *Stanhope.*

222. You mark your fruit, do you not, in sending it to Covent Garden ?—I only mark it by sound packing, that is all; it is the same at the top as it is at the bottom.

223. You do not agree, as I understand, with Mr. Berry that it is advisable to mark it "English" ?—I could not agree with Mr. Berry, because it is impossible for us to do that. Pack it properly and the public will find out what it is, as I think they would with the jam that is labelled foreign, if it was made from foreign fruit.

224. You said just now that there is plenty of English fruit, but that was not the case last year in Kent, was it ?—It was the year before, and I think if the jam-pot was marked "made of foreign fruit," that would be the means of enabling all this fruit I have seen wasting in our Western Division of Kent, and also in Mid and East Kent to be sold. I believe the jam-makers would buy this fruit in a year of plenty and store it for a year of starvation.

225. Last year, of course, if a jam-maker had been short in his supply he must have bought his fruit from the Continent ?—Yes.

226. May I ask rather a home question. That was the case, was it not, with your brother; he had to make jam out of foreign fruit ?—I do not know anything about what my brother does. I think myself he is very foolish if he buys one ounce of foreign fruit.

227. Your two points are, as I understand, that you would recommend first of all that fruit sold by retail sellers should, if foreign, be marked "foreign fruit" ?—Nothing less than "foreign fruit."

228. And secondly, that jam, if made of foreign fruit, should be labelled as made of foreign fruit ?—It should be labelled as made of foreign fruit.

Lord *Lawrence.*

229. Is it not the reason that the manufacturers use foreign fruit, partly that it is very much cheaper ?—I do not think so.

230. And it comes earlier into the market. You said just now that much of this fruit has been lying rotting in Kent in certain seasons which have been very productive, and the manufacturers' answer has been that they have bought their consignments, and they have made their jams and do not want any more fruit ?—They buy forward.

231. Is not that rather because they get the foreign fruit earlier in the market, and get it much cheaper ?—The merchants sell forward to our wholesale people a great deal. But in a very cheap year the foreigner does not get a very good hold on us.

232. With regard to a year such as you speak of, when it is lying rotting, it would be very cheap; little more than the cost of packing it up ?—If it only comes to the cost of packing up, that is only giving 2*s.* 6*d.* for half-a-crown, which

is

Lord *Lawrence*—continued.

is no good. When there is a little profit we gather them.

233. It seems to me, as far as I can understand it, your argument is rather that the manufacturers favour buying foreign fruit because it is cheaper, and because they get it sooner?—The Switzer plums are not early; they are the very last plums in the year; they come along about October.

Lord *Monkswell.*

234. I understand you wish to deal with fruit very much in the same way as margarine is dealt with now?—Yes, very similarly.

235. Has it ever occurred to you that there is this difference; margarine is a different substance from butter, and you can chemically distinguish between margarine and butter; but you cannot chemically distinguish between tomatoes grown near Paris and tomatoes grown in Kent?—I beg your pardon, you can. I have not got the man here to-day, but I can bring a man here who can tell you whether it is plums grown in foreign parts or grown in England after the jam is put into pots.

236. You think you have got a man who could go before a magistrate, and, if he was shown two plums, say, this was grown in France and this was grown in Switzerland?—I have a man who can come before your Lordships and if you put a dozen pots of jam before him, he would know and would tell you which six were foreign jam and which six were English.

237. With such a slight difference as there must be between certain classes of foreign fruit and certain classes of English fruit, there might be cases of mixture, I presume?—There is a great difference.

238. Your contention is that there would be no greater difficulty in marking foreign fruit than there is in marking margarine?—Not in the least.

239. You think that it is just as easy?—It is just as easy after it is made into jam.

Lord *De L'Isle and Dudley.*

240. Would not any ordinary expert with any knowledge of fruit be able to tell the difference between English and foreign fruit with the greatest possible facility?—Are you talking of raw fruit?

241. Raw fruit?—Many people could not when it is fresh.

242. Do you say you could not tell the difference between good English fruit and foreign fruit?—An expert would; but we are not all experts.

243. An expert would without any trouble, would he not?—Yes.

Chairman.

244. You said you did not mark your own baskets?—I beg pardon, I misunderstood you; I always mark my own baskets with my own name.

245. I thought you said your only mark was sound packing?—That is my selling mark, as I call it; but I have my mark on every basket.

Chairman—continued.

246. If everybody's basket is marked, do you not think the result would be that everybody would be able to tell the difference between English fruit and foreign fruit?—Then the salesmen would send their baskets into the foreign markets and bring the fruit into the English markets and sell it as English fruit. There are other unscrupulous salesmen who turn these consignments of tomatoes into their own baskets and sell them as English.

247. If it was the practice of the English grower to always mark his baskets would not the public very soon learn that when a basket came into the market unmarked it must of necessity be foreign fruit?—I think the English grower marks his baskets; at any rate every Kentish grower is only too proud to have his own name on his own baskets.

248. If a man buys in Covent Garden a basket of fruit without a name on it, is he not immediately aware that that basket came from abroad?—If it is a foreign basket he knows that it comes from abroad.

249. If it is an English-made basket of the same appearance but without a name on it, how is it he does not know it is not a Kentish basket because it has not a name?—If it was a Kentish basket it would have a Kentish name on it.

250. And if it is not an English basket it is a foreign basket?—There are plenty of salesmen who have nothing to do with growing; they supply the grower with baskets.

251. Would you say that all the baskets of the growers in Kent are marked with their names unless they are supplied by the brokers?—Yes.

252. And in that case they are marked with the broker's name?—Yes.

253. Then if a law were made that every grower in England should put his name upon the baskets and that the fruit should not be sold without his name on the basket, would not that achieve the same result as providing that foreign fruit should be so marked?—No; because when the fruit is once shot out of the basket the basket counts for nothing.

254. That would be the case under your plan, would it not?—My object in coming before your Lordships' Committee to-day is to ask if you can devise some way, or pass some Act of Parliament, to get every seller, especially the retailer of foreign fruit, to mark his foreign fruit. I should be satisfied with the words "made of foreign fruit" on the jam pot.

255. You would not be satisfied with having a basket which came from abroad labelled with a foreign name?—Not so far as the first sale is concerned.

256. You want to follow that up by having every hamper of fruit, or even every single fruit barrow labelled, saying that it is grown abroad?—A mere label "grown abroad" is no good. That takes out the pith of the whole thing.

257. Why?—The word "foreign" people can understand, but if it were "grown abroad" they may say, perhaps our brothers or our fathers have been helping to grow this fruit on the other side of the sea.

258. Then

Chairman—continued.

258. Then you want colonial fruit called foreign?—I want it called all foreign.

259. How do you think the "fathers" of whom you spoke, who have gone and settled in the colonies, would like to have the fruit they send over here designated as foreign?—Then let them stop at home and help to grow it here.

The Witness is directed to withdraw.

MR. EDWIN VINSON is called in; and Examined, as follows:

Chairman.

260. ARE you a fruit grower, near Swanley, in Kent?—Yes.

261. Are you a member of the association?—No, my Lord.

262. You are in West Kent?—West Kent.

263. Is there any association in your neighbourhood?—Not that I know of.

264. The last witness, I think, who also came from the same neighbourhood, was not a member of the association?—No.

265. Do the operations of the association extend at all to your district?—Not that I know of. I think I should know if they did.

266. Have you had any experience of the substitution of English-made baskets for foreign packages for the conveyance of foreign fruit?—I have. I think it is about 30 years ago now when I commenced business. At that time we all found our own baskets. For the last ten years more particularly everything has become lower and things have become worse, and the salesmen have found our baskets to a certain extent, and not only found them for us, but they send those baskets abroad.

267. You have seen them coming in?—I have seen them coming in. I know they do it, my Lord, I can name salesmen who do it, some of the largest.

268. Do the baskets bear their names?—Yes.

269. Not the name of any grower?—No, the salesman's name entirely.

270. Is it your opinion that, in consequence of that, the purchasers are led to believe that they are buying English fruit?—They are, because they send, perhaps, half the baskets abroad, and half they send to us as growers. They are brought into the same market, and they are stood side by side. As a rule, the same name and address is on the baskets, and, using the same name on both baskets, the buyers cannot judge between the two.

271. Do you mark your own baskets?—I only use my own baskets for that very reason.

272. But they are all marked with your name?—They are all marked with my name.

273. Is that the general practice in Kent?—Yes, of those who have money, and who know their way about; those who have money sufficient to buy baskets, and who have sufficient experience to know what they ought to do

274. Are those who have not money and are without experience numerous?—Yes, more numerous now than they were 20 years ago.

275. Would you say that the majority of baskets which are sent from Kent to the market bear the name of the grower, or do not bear the name of the grower?—No, I think they bear the salesman's or broker's name, my Lord

Chairman—continued.

276. The foreign fruit that is sent into the market we were told by a former witness was in an unripe condition?—No, my Lord, not unripe when it arrives here.

277. When it is shipped?—When it is gathered it is unripe. It has the appearance of a ripe condition here, but then it has not the flavour. If you were to put the two into your mouth you could soon tell the difference, but you could not from the appearance so well.

278. Then the foreign fruit arrives in London earlier than the English fruit?—Yes.

279. And therefore there is no competition at that moment?—No, not the first shipments, but there is after a month.

280. Then your English fruit comes into the market, and at the expiration of a month is your fruit brought into competition with the foreign fruit?—Yes, my Lord.

281. Then do you agree with the former witness who has said that the result of that was that a person might one day buy foreign fruit and disapprove of it, and say that he would buy no more because the first sample that he had was bad?—No, I would hardly go so far as that, but he would say, "The fruit I bought the other day, and which I bought as English fruit, is no better than foreign, and I will buy the foreign next time because I buy it rather cheaper."

282. You go a step further than the last witness?—I go a step further.

283. The last witness said that the buyers would say they would not have any more cherries, because the last cherries they had bought, which were foreign, were not good. You go a step further and you say that they would say, "I will have foreign fruit rather than what you sold me last week under the impression that it was English?"—"Rather than what you sold me last week under the impression that they were English," because I should say they were no better than foreign. That is undoubtedly a fact. I am speaking now as to some of the largest salesmen, who would corroborate what I am saying. I suppose we are the largest growers sending strawberries into Manchester.

284. You send to Manchester?—Yes, we are the largest senders there, undoubtedly. We have sent as many as 3,500 pecks of strawberries per day. They all go to one man. He told me only last Saturday, "You maintain your reputation in Manchester more than any other man, simply because your strawberries come in your own baskets;" and he said "they are alike all through, but the large proportion of foreign coming here are better on the top than they are down at the bottom."

285. Supposing Parliament were to pass an

Chairman—continued.

Act compelling every English grower to mark his baskets with his own name, that would, although it might throw some expense on an English grower, at any rate attain the object which you and your fellow-growers in Kent desire to see, namely, that your fruit should be sold upon its merits?—Pardon me, my Lord, every English fruit grower has his own name on the baskets, or else he would not have them back again.

286. I say, supposing he was compelled to have it?—We do it without compulsion. We should not get the baskets back if our names were not on. When we have baskets made they are marked at the time. If there were no name they would not come back to us.

287. You told us just now that the majority of fruit growers in Kent had not the money and were not sufficiently experienced to have their baskets marked?—No, they get the salesman's baskets.

288. You said that they had not sufficient money to provide and to mark their own baskets?—To buy their own baskets. They do not pay for marking. The marking is done in the making.

289. The baskets are supplied by somebody else?—By the salesmen. Strawberries, for instance, are put into peck baskets. Every one of those peck baskets costs 1*s.*, but that includes the marking on the baskets.

290. You mean those little round baskets which are sold?—I mean peck baskets, two gallon baskets.

291. Are those usually marked?—Yes; every English grower has his name on them; foreigners do not.

292. Do you mean that the little peck baskets which are exhibited in the fruiterers' shops are marked?—No, my Lord; you do not see these baskets that we send. The ones we send all have our names on them; they are peck baskets. We should not get them back if we had not our names on them.

293. Are not the peck baskets the little round baskets put on the counters of fruiterers' shops?—No, they stand as high as that (*explaining*), and hold two and-a-half gallons; not two gallons, as I said just now.

294. What do you propose in order to remedy that state of things?—We send these baskets all over England to every large town, and to Scotland, and Wales, and Ireland.

295. Would it be a prohibitory expense to compel every grower to mark his own baskets?—No, my Lord; they are all marked now. Every basket is marked by every English grower.

296. Then do you say that anybody is deceived by buying a basket that is not marked?—No. They are deceived by the salesmen sending their baskets abroad and coming back as English fruit. For instance, say I am a poor grower; I have half the baskets of my own; half the quantity go in my own baskets, and half go in baskets which belong to the salesmen. Well, he sends baskets abroad; to France, for instance, and those come home and are set side by side with what he sends me. How can a buyer tell the difference between mine and the foreigner's? He simply buys on the strength of seeing that man's name on mine and the foreigner's.

Chairman—continued.

297. Your objection or grievance is that the salesman has his name on the baskets which bring foreign fruit?—That is it, my Lord. That is the very strong objection we are suffering under.

298. And if either the present law, or if the present law is not sufficient, if a fresh law were passed prohibiting the importation into England of baskets bearing the name of an English salesman, that would meet your case?—I do not think you could go so far as that, my Lord. I think if these baskets are labelled "Foreign fruit," and if a label is attached to each basket, it would meet the requirements of the case. I think if you were to prohibit their coming in, your Lordships would find strong objections raised in the Commons.

299. No doubt that would be so, but what I am asking is whether a less stringent measure would not meet the case?—I do not think it would.

300. Let me put this case to you. You do not think that the prohibiting the importation into England of baskets bearing an English agent's or broker's name would prevent the importation of foreign fruit under an English name?—I should hardly like to express an opinion. In the first place, I do not think your Lordships can pass any law. It would meet with strong opposition in the House of Commons with regard to that.

301. We will not go into that in this room. The point is that there is in existence now an Act (the Merchandise Marks Act) which prohibits the importation into England of any package so marked as to be liable to deceive. Well, I take it that you say baskets bearing the name of the broker are calculated to deceive?—Not calculated to deceive, they do deceive.

302. I asked you whether, if the importation of baskets with that name upon them were prohibited, there would be then any temptation to deceive?—It would do us some good, undoubtedly.

303. Do you propose that they should be labelled "Foreign fruit"?—That they should be labelled "Foreign fruit."

304. What object would that attain which the prohibition of the marked article would not also attain?—It would attain some good; they go to Covent Garden, a very large proportion of them, and are sold by public auction. If the words "Foreign fruit" were marked legibly on each package the people buying would see that they are foreign fruit.

305. No doubt, but would not they also, if they have got any sense at all, recognise that where all baskets are marked with the name of the English grower (which I understand you to say is the case) any baskets brought into that market, and not bearing any mark at all, must of necessity be grown abroad?—Yes, you would naturally think so. That would be the natural inference, but there are a number of baskets made abroad, they make them cheaper abroad than here, but they come over with one consign-

ment

Chairman—continued.

ment of fruit, and they are sold on the English market. That is an exceptional case.

306. Is fruit grown in England easily distinguished from fruit grown abroad?—Yes, I should think so; more particularly in the flavour than in the appearance.

307. Do you mean to experts as well as those not experts?—I should think so. I have been a fruit grower for 30 years.

308. But I mean a man not an expert; do you think I should be able to judge?—Your Lordship would if you tasted the two. If a plate of strawberries were placed before you, one picked three or four days ago, and one fresh picked, your Lordship would be able to tell the difference, and so would anybody.

309. Would it be easy to say this plate was grown abroad, supposing there were only one plate?—No, but you would say, "These strawberries have not given me satisfaction, I will not buy any more."

310. Does it require an expert to say that these strawberries were grown abroad?—I would hardly say an expert could do that, my Lord.

311. Not even an expert?—No; you can judge of things when you taste one and then the other.

312. Then without the two to choose between, it would be difficult to do?—No, my Lord; I could tell.

313. You as an expert could tell?—As an expert; as a grower of 30 years.

314. Then there have been two remedies for the state of things which you complain of, which have been proposed to the Committee; one is that every package which is imported from abroad should bear upon it the mark of the country of origin, and the other is that wherever foreign fruit is sold a label should be placed above it to the effect that it is imported fruit?—I think there should be both. The fruit should be labelled before it is allowed to land, and then afterwards when it is retailed it should be labelled.

315. Would you like to have both those?—We must have the two, undoubtedly.

316. But however small a quantity, you would still wish that a label should be put upon it if it were imported from abroad?—I think so; I do not think, unless you did large and small alike, that you should make a distinction between the two. Why should a man who sells a small quantity be allowed to do a thing that a man who sells a larger quantity cannot do?

317. We had from the last witness a great complaint that fruit was labelled "Best English," or at any rate "English fruit," when it was really foreign?—It is.

318. Would the leaving out of any label at all, that is the absence of any label at all, be sufficient to effect your purpose?—I do not think it would be.

319. You do not think then that the public in the absence of any label would assume that it was foreign fruit, and that the vendor did not dare to put the true nomenclature upon it?—I do not think they would. The public do not assume much. They simply spend their money and take what is given them.

Chairman—continued.

320. You do not think their taste and judgment comes into the question at all?—It does in this way: they buy less, or they will not buy again. I do not think their judgment would come into the question as to where it came from. They would not take the trouble; they would simply go without it the next time. That is what I complain of. If you go and buy a thing which you dislike, you do not go any more; you say, "No, I do not care for it."

321. In that way the English grower suffers?—In that way the English grower suffers. There is less demand for the thing grown. We, as English growers, now want to create a demand. We are suffering now from small demand. There is over-production.

Lord *Lawrence.*

322. You would make the foreigner suffer, too?—We are looking more after ourselves than the foreigners. They look after themselves and the English too.

Earl *Stanhope.*

323. Do you think that the public are deceived very largely by the retail sellers of fruit?—I am sure of it.

324. Have you seen it yourself?—I am speaking for some of the largest salesmen; we send to most of the largest salesmen in England. We are large strawberry growers.

325. Do you agree with the last witness that it would be advisable to insist on retail sellers of fruit marking their fruit "Foreign fruit," if it is foreign fruit?—If it were possible to enforce it, my Lord. I see some difficulty in it. If it is possible to enforce it I should say, do it by all means.

326. Do you think there should be no distinction—that even the man in the street should, if it is foreign fruit, label it as such?—I think a man should have what he thinks he is buying, and I think, as legislators, it is your Lordships' duty to try to devise some means that he should have it. No man has a right to deceive another. Why should any man be allowed to deceive another? Foreign fruit is worth some 40 per cent. less than ours.

327. I suppose the retail buyers know very well what they are buying; they know whether they are buying foreign or English fruit?—Yes, my Lord, they know by the price they give. Your Lordship knows the foreign fruit as a rule is sold for less than ours. I am speaking now of strawberries more particularly than any other fruit. If you go to apples and pears, for instance, they are better than ours; gooseberries and currants are less valuable.

328. Bush fruit principally?—Bush fruit principally; but what I say more applies to strawberries; they have a delicate flavour and they want to be gathered when fully ripe and sent to market directly.

329. Now, as to jams, do you think a great deal of jam is sold at the grocers' shops which is made of foreign fruit?—I think that more applies to the lower-class jam makers. Still, the higher class do buy a large proportion of foreign fruit, more particularly plums. We supply Crosse

Earl *Stanhope*—continued.

and Blackwell perhaps more largely than any other firm; so we do Morton, and so we do Pink, and several of the large people. They prefer our English fruit.

330. Do they get a better price for the jam so made?—For some sorts of the English fruit, particularly strawberries. They buy the foreign fruit simply because they buy it cheaper than ours.

331. You do not make jam at home?—No; we have made it in its first stage, what we call pulp.

332. Do you think, so far as you know, or so far as you suppose, that there would be any difficulty about these jam manufacturers labelling their jam pots "Made of foreign fruit"?—I do not think there would be with the better makers. I have talked to several of them. There would be with the lower class of makers, perhaps, but the better class of makers, I think, would be glad to see it; those who buy principally English fruit.

333. Except that apparently there is no difference of price between jam made of English fruit and jam made of foreign fruit?—Not in the retail.

334. But in the wholesale there is?—In the wholesale there is. Last year, for instance, I did not pick above half my red currants, because they bought so cheap from abroad that they substituted those for English.

335. I suppose you had not a good supply last year?—Yes; of red currants we had a good supply. We had too many. As I said, we did not pick them off. Unless there is a distinction drawn in the selling, people buy the foreign as a substitute. I do not say that the jam is injurious. I do not believe it is; but it is not so good.

336. I believe you sometimes send your fruit up by road, do not you?—Yes.

337. Is not that an advantage over the foreign fruit?—Yes, my Lord; but then 75 per cent. of ours goes further away; quite 75 per cent. We send to Manchester more largely than we send to London. It goes to Scotland, Edinburgh and Glasgow, and it goes to Ireland.

338. Then you train it straight off?—Yes, my Lord. It is all sent in our baskets simply because the people should not be deceived, but then it is costing me 250*l.* a year for baskets. I am doing that now because the public should not suppose it is grown abroad and sent in a salesman's baskets. I could get all my baskets found me.

339. But then you get a better price, surely? It is one way or the other. If the brokers supply the baskets they do not give you so much money for your fruit?—No; but the people buy mine rather in preference, because they can depend upon it.

340. Do you pack it in a particular way with your name on?—No, my Lord; only with the name on the basket. Mr. Berry said just now he labelled his, but he simply meant by a sheet of paper spread over the top of the basket. We never do that because it is no use, people pull the sheet off, and throw it away.

Chairman.

341. What do you do?—We put the name on the basket simply, in large letters all round the basket.

342. You paint it on?—Yes, paint it on. I think it created a little confusion in your Lordships' minds by Mr. Berry speaking of the double marking, but he simply folds a sheet of paper over the top of the basket.

Lord *Belper.*

343. I suppose you would advocate the marking of everything that came into the country from outside?—Yes.

344. From the colonies as well as from foreign countries?—Yes, my Lord; we cannot draw any distinction that I can see. We suffer as much from the colonies as we do from a nation we have no connection with. It is just as keen competition whether it is colonial or whether it is French.

345–6. It is proposed to mark everything with the word "Foreign;" at least that is the evidence we had from another witness; do you agree with that?—Yes; everything that is landed here from across the water.

347–8. You would not say the Scilly Islands or the Channel Islands?—The Channel Islands seem more of us. They are more dependencies. They seem part of ourselves. The Canary Islands, for instance; we are suffering grievously from the importations from there.

349. Then what do you say to Canada and Australia and the Cape?—No, Australia is a different place altogether. Look at the distance. Look at the climate. The other is a place comparatively close to us.

350. You would mark everything coming from Canada, or Australia, or the Cape?—Most decidedly; and everything coming from France and Belgium. Both those places we suffer considerably from. We do from the other places, but they seem more part of ourselves. I have no wish, as a grower, to impede or stop the foreign importations, we must have them, but what I complain of is their coming unjustly into competition with us and deceiving the public with false marking.

351. But, as far as that year you spoke of is concerned, when there was this large quantity of all sorts of fruit, I understand the reason you could not sell was because the foreign price was a cheaper one?—Yes, my Lord.

352. But that is not likely to happen often, is it?—It has happened several times in my experience.

353. If you cannot afford to pick them and sell them at that price, can they afford to go on sending at that price?—Well, labour is very much cheaper in Switzerland and Belgium, and France, than it is here, as your Lordship knows, and expenses are very much less in producing.

354. The carriage, of course, must be considered?—Yes.

355. That must have been a very low price that year?—Exceptionally low, my Lord.

356. Otherwise it would have paid you something to pick them?—The red currants I am speaking of last year would not pay me to pick. I was offered 50*s.* a ton for them, but they cost me

Lord *Belper*—continued.

me 45*s.* to pick, and they cost me 15*s.* to send to London. There was no profit whatever. That was the most money I could get for them.

357. And they were buying red currants in the market at that price?—Yes, and less.

358. Are there any people who are so well situated that they could sell in England at that price?—No, my Lord; they are already consigned, and when they come here they must be sold at any price.

359. They would sell, of course, in that year at that price, but it would not be much encouragement to send them again another year?—No, it would not.

360. I do not know whether you were asked the question, but do you advocate the marking of jam-pots as made of foreign fruit like the last witness?—I think it would do us good, my Lord.

361. Do you think it would be practicable or possible to carry it out?—I think it is more possible than the distribution of fruit under a mark by the small retailers. There I see a great difficulty.

362. But when I say possible, would it be possible to find out absolutely for certain whether a jam was made of foreign fruit or not?—I think it would as far as the plums are concerned.

363. Only as far as plums are concerned?—Yes.

364. Therefore you so far modify your answer that you would only do it with regard to plums?—I would say that is not my business. I can only give evidence on a thing which I know a little about. I am not a preserver.

365. I do not suppose jam makers would advocate it very much themselves; therefore, I must get the answer from somebody who is inclined to advocate it?—I think, my Lord, the large jam makers would not object. The smaller ones, I believe, would. I have spoken to several of the large jam makers and they would not object, I believe.

366. However, you admit that, except in the case of plums, you think it would be difficult in a court of justice to prove absolutely whether the jam was made of foreign fruit or English fruit?—I would modify it to a certain extent. I think it would be more difficult. I am not an expert as regards jam. I could tell the difference between the plums, I know.

367. By tasting?—By tasting; but whether I could as to gooseberries is another thing altogether.

368. It is no use making a law of that sort unless you can carry it out with absolute efficiency?—I see great difficulty in this particular question, but I believe if every package were marked when it is landed it would do some good. If the other could be enforced it would do us more good, but I see the difficulty which your Lordship sees. There is a difficulty, undoubtedly.

Lord *Lawrence.*

369. How could the package being marked do you very much good, because they mix the packages afterwards; for instance, they would mix

Lord *Lawrence*—continued.

foreign fruit with English fruit?—That makes it more expensive in distribution. If you have got to shift a thing from one package to another it costs more money. That not only costs you money, but it damages the fruit and makes it worse in appearance.

370. But to get a better price by calling it English fruit, they would not hesitate in doing that, would they?—When a box is marked in large letters on the top you must shift that fruit out of that box.

371. The last witness said about tomatoes that they were all thrown into a heap in the shop?—Yes, your Lordship is referring to the retail?

372. Yes?—There is a difficulty.

373. They mix the English and the foreign fruit together, and sell it all as English?—Then there comes a difficulty if you mix the two; who could tell the difference?

374. Then it is no good marking the baskets?—Yes, that would stop it to a certain extent. The man who mixes is the very small consignor; the man who sells a little fruit to the costermonger. The respectable man, with a reputation at stake, cannot afford to do it. As I said before, we get the highest price at Manchester, simply because we have a name there; but if I were to mix half foreign strawberries with my own I should soon lose my name.

375. Then it really follows that foreign fruit is not much competition?—It is, undoubtedly.

376. Because it stops a good deal of your sale?—It knocks off the sale; it lessens the demand. It is a constant thing for us to be told that strawberries have no flavour this year, simply because people have been buying foreign.

377. You would like to stop the foreigners altogether?—I would not say what I would like to do, because I am a grower.

Lord *De L'Isle and Dudley.*

378. Do I understand you to say you think all foreign fruit that comes into this country is sold as English?—To a very large extent. If anything could be done to stop that your Lordships would be conferring a great boon upon the British growers.

Chairman.

379. In answer to Lord Stanhope, you said that in your opinion no man ought to be allowed to deceive others, and that Parliament was bound to protect you?—Yes, my Lord, we think so.

380. There is, perhaps, an earlier duty than either of these, and that is that you should try and protect yourselves. I want to know whether you have ever attempted a prosecution, or whether you know of anybody in your business ever having attempted a prosecution where people had labelled foreign fruit "Best English"?—Your Lordship means under the Fraudulent Marks Act.

381. No, under the ordinary law of the land, for obtaining money under false pretences?—Well, farmers, as a rule, are not lawyers; they are simple-minded men, struggling hard to get a

Chairman—continued.

living, and at that season of the year we are wonderfully busy; our attention is concentrated on growing and sending the fruit to market.

382. We have been told that in one division of Kent there was an association of fruit growers who give subscriptions towards funds for the purpose of having a person whose time should be at the disposal of the association, and we were told that they had not attempted any prosecution. Has any attempt been made to your knowledge?—We have had no association in West Kent that I have heard of.

383. You have never prosecuted?—No.

384. You told me that you expended 250*l.* a year in baskets?—Yes, my Lord.

385. What do you mean by that? Do you mean to say that your baskets cost you 250*l.* a year?—Yes.

386. If they were provided by the broker you would have to pay him in some shape or another, I imagine, the cost of those baskets?—Indirectly we should, I suppose, my Lord.

387. So that it is not absolutely the fact, as you say, that the difference between providing your own baskets and their being provided by the broker is 250*l.* a year out of your pocket?—I mean to say that I could get these baskets found for me without any apparent cost.

388. You would not feel it?—That I would not say, but there would be no direct charge.

Lord *Belper.*

389. You would not get the same price for your commodities?—That I could not go into.

Chairman.

390. Then I think you said you would apply the word "foreign." You have the same affection for the word "foreign" as the last witness?—Yes, it is a general wide term.

391. And you would exempt from that the Channel Islands on the ground that they are nearer to England than Australia?—I think we should be compelled to do so by public opinion, my Lord.

392. Boulogne is nearer even than the Channel Islands?—Yes, but that is part of France.

393. That is undoubtedly foreign?—Yes.

394. On the other hand, Canada and Australia can hardly be termed foreign, can they?—No, my Lord, but compare the distance. They are more immediately under English rule, are they not?

395. I need hardly tell you that in the colonies there is a very strong feeling that they are not

Chairman—continued.

foreigners. Do not you think that you will be raising a good deal of opposition if you were to label produce grown in the colonies as foreign?—Well, my Lord, I would put those islands in as foreign. I have no objection to your Lordship putting those little islands in as foreign, not the slightest whatever.

396. Your remarks would apply equally to the Cape of Good Hope?—Yes; but I say as to those little islands, if there is any difficulty put them in as foreign.

Lord *Lawrence.*

397. You mean foreign as distinguished from England?—Yes, everything grown away from England. Of course your Lordship's knowledge extends where mine does not.

Lord *Monkswell.*

398. If you had a man up before the magistrate for selling foreign fruit as English, how would you detect the difference between Channel Islands fruit and Boulogne fruit?—It would be a very difficult matter to detect it, they are so near each other. But if you are going to go to Australia, for instance, it is a different thing altogether.

399. You say there would be no means of detecting the difference between Channel Islands fruit and French fruit?—I do not think there can be, my Lord.

400. That may be a reason, then, for not putting in the Channel Islands, for treating them as foreign?—That is one reason, I say, why they should be treated as English.

401. Because they are so near?—Yes.

402. If you treat them as English because they are so near, then you would have to treat Boulogne as English, too, if you were before a magistrate?—They might come from quite the south of France; they might come from two or three hundred miles from Boulogne, but when they come from the Channel Islands we know they do not come two or three hundred miles.

403. At all events, in the absence of direct evidence of where the fruit was grown, there would be nothing to enable you to detect the difference between fruit grown in the Channel Islands and fruit grown in the south of France?—No; if you were going to have it sent 200 or 300 miles there would be a difference. Your Lordship knows there is a difference between a thing picked fresh and a thing picked ripe; one has a flavour and the one has not.

The Witness is directed to withdraw.

7 *May* 1894.

SIR CHARLES MILLS, K.C.M.G., is called in; and, having been sworn, is Examined, as follows:

Chairman.

404. I THINK you are the Agent General for the Cape of Good Hope?—Yes, I am.

405. Is there a large importation of fruit from the Cape?—Very considerable now.

406. Is it increasing?—It is increasing every year. I think it was a little more than 1,000*l.* in 1892, and it is now upward of 6,000*l.* per annum.

407. And it is sold first of all in the wholesale market; and, secondly, in the retail market by the name of Cape of Good Hope fruit?—It is sold at Covent Garden as a rule by the name of Cape of Good Hope fruit. It is sold wholesale, and then it is bought up by retailers, and sold in different parts of London.

408. Have you any reason to believe that it is labelled as Cape of Good Hope fruit?—By the retailers.

409. By the retailers?—It is at the Army and Navy Stores. I cannot answer for any other places.

410. Is it ever labelled by any other name?—I cannot tell.

Earl *Stanhope.*

411. Did you not tell me last year that on one occasion you found English grapes, or very inferior grapes, sold as Cape grapes?—I did not understand that Lord Onslow asked that question. I thought he asked me whether Cape grapes were sold as any other sort of grapes; but if he had asked me whether any other sort of grapes were sold as Cape grapes, I should have told him what I told your Lordship some time ago, that in the autumn of 1892 there was a lot of rubbish (I cannot call it anything else) exposed in a shop window in the Fulham-road, marked "Cape grapes." That was at a season when no Cape grapes could possibly have been in this country or anywhere else. I wrote to one of the chief importers of Cape fruit and called his attention to it, and asked him to see about it, because I thought it would seriously injure his trade, but he did not do very much, and I should not be at all surprised if he knew more about it than I did. However, one of my officers told me at the time that he had seen Cape grapes marked up in a fruiterer's in the City, and I sent him back to endeavour to buy some, and told him if he bought any to give information to the police, because they could not be Cape grapes at that time of the year; but the mark had disappeared.

Chairman.

412. In the interval?—In the interval, and for that reason I have sometimes, whether rightly or wrongly, suspected that the fruiterer with whom I communicated, and whose assistance I asked, as I thought, in the protection of his own trade, must have known a good deal more about it than I did.

413. Then, at any rate, you are satisfied that inferior English grapes are occasionally sold in London as Cape grapes?—I think they were very inferior Spanish grapes; ordinary common little Spanish grapes; very rotten and worthless.

Chairman—continued.

414. You have no knowledge, then, of Cape grapes being sold as "English best hot-house"?—No, I do not know anything about that; but I do not think it is very likely, because the Cape grape would hardly be accepted here as a fine English hot-house grape. We do not aspire to that.

415. Grapes are not the only fruit that you send in?—No; peaches and tomatoes, and a great number of different sorts of fruit come here from the Cape at a time when there is no English fruit at all in the market.

416. Do the Cape peaches realise a high price?—They do.

417. And they are not easily to be distinguished from English?—Well, they are perhaps not so good as the English.

418. Has your attention been called at all to a Bill which was introdueed into the House of Commons by Mr. Hozier and Sir William Hart Dyke and others called the Fruit Identification Bill?—It has.

419. In what way do you think that would operate on the fruit imported from the Cape?—Well, I can only give my own opinion, because I have not yet received instructions from my Government for which I have telegraphed. The Cape Government are now introducing a new Merchandise Marks Bill in their Parliament. What the provisions of that Bill will be I cannot say, but there is an Act existing in the Cape now, which was passed in 1889, which makes all produce not manufactured or grown within the colony foreign. I think it is very likely that that will be altered, knowing what the opinions of Mr. Rhodes are upon the subject, and, in accordance with that opinion, I was going to venture to suggest that a distinction should be made between "foreign" and "colonial."

420. The words in the Bill are not "foreign," but "grown abroad," are they not?—Well, I understood it was "foreign."

421. Let me read you the Bill?—I have not seen the Bill; I have only seen comments upon it, and extracts from it.

422. Let me just read you the Bill, because then we shall be able to get your opinion upon it more clearly. The first clause of the Bill says, "Every person selling, or offering, or exposing for sale foreign or colonial fruit shall incur a penalty," and so on; and the third clause of the Bill says, "Every package, whether open or closed, containing foreign or colonial fruit, shall be printed, or otherwise durably marked, "Grown abroad." Does your objection apply to those words?—Well, it rather does. If the place of origin were given in those cases it would be much more satisfactory.

423. What you would object to would be that all fruits not grown in England should be classed under one title?—Quite so.

424. You would like to have it distinguished as to whether it was grown in France, or grown at

Chairman—continued.

at the Cape of Good Hope, or Australia, or wherever it might be?—Yes, my Lord, that is what I would venture to suggest.

425. Then the produce of each country would be sold upon its own merits?—Quite so.

426. And you do not think that such an Act of Parliament, or law in this country, would operate disadvantageously to the producers of the Cape?—I do not think so; on the contrary.

427. You are in favour that the fruit from your colony should be sold upon its own merits?—Upon its own merits.

Earl *Stanhope.*

428. What is the change which you think is likely to take place in the existing Act at the Cape?—Well, I cannot tell you, my Lord. Sir Henry Loch, whom I asked about it, does not know what the Bill contains. I only know by a speech which has been reported of Sir Gordon Sprigg, that there is to be an amendment of the Merchandise Marks Act, and looking to that Act of 1889 which I have quoted, I came to the conclusion that, knowing Mr. Rhodes' large Imperial policy, they would very likely amend that clause.

Chairman.

429. Could you at a later time hand a copy of that Bill in to the Committee Clerk?—Yes. I have telegraphed to the colony to know what this new Act is likely to be, and if your Lordship will give me time to await a reply, I shall be very glad to submit the reply to your Lordships.

Chairman.] If you will kindly send it to the Committee Clerk we can print it as an Appendix.

Earl *Stanhope.*

430. I suppose there is no such thing as fruit imported from England to the Cape, is there?—Well, perhaps, there is sometimes, but not as an article of commerce.

431. You find it very easy, do you not, to bring fruit from the Cape to England quite fresh?—Quite fresh.

432. But does that apply to anything besides apples, pears, and peaches?—And grapes and tomatoes, and a large quantity of dried fruits. But the grapes come in with the bloom upon them. I have had them myself.

Lord *Belper.*

433. I understand that your proposal would be that every sort of fruit should bear a mark specifying the country from which it came?—Yes.

434. That would be in the first place for the wholesale trade when it came into the country and was consigned to the different dealers?—I should imagine that it ought to bear the mark wherever it is sold.

435. I was coming on to that. Of course it must in the first instance when it comes into the country bear the mark. Then you would perhaps also carry that out as far as the retail dealers go?—Yes.

Lord *Belper*—continued.

436. So that at a fruiterer's shop the name of every country would have to be put on the fruit which came from that country?—Yes, my Lord, for the protection of the consumer as well as the producer.

437. Would not it be a little difficult to carry that out successfully?—In the case which I have quoted they carried it out for their own advantage, and if they can do that for their own advantage I do not see why they should not do it for the advantage of the public.

438. In the case of a large fruiterer with a large quantity of fruits coming from different parts of the world, different sorts of fruits, and the same fruit coming from different countries, it would become a very complicated system if every one necessarily was marked from the country from which it came, would not it?—Well, it is the only way I can see of protecting the consumer.

439. I quite sympathise with the object, but I want to see whether you think it could be carried out successfully, because a rule of that kind is no use if it is likely to be evaded or set aside?—Whether it is labelled or not, my Lord, I think there ought to be a protection for the consumer. For instance, if I go into a shop and ask for Cape grapes, I think the shopkeeper ought to be bound to say, "I have not got them," or "Here they are."

440. Of course with regard to an absolute fraud such as you have spoken of, in that case, as you understand, he might be prosecuted for obtaining money under false pretences; selling something which he really was not selling?—Yes, my Lord; a fraud like that is very hard on the producer, as well as on the consumer.

441. However, if any foreign distinctive mark was used, you would prefer it to be one actually showing what the country of origin was? Yes, what the place of origin is.

Lord *Lawrence.*

442. You are not satisfied then apparently with the state of things now with regard to that. You think something ought to be done?—Well, when such abuses can exist as that which I have mentioned, I do not think the state of things is satisfactory.

Lord *Monkswell.*

443. I do not quite understand how you would put a stop to frauds. How would your suggestion put a stop to the fraud of a man selling a thing in his shop window as Cape grapes, grapes that were not Cape grapes; you would go far beyond the Merchandise Marks Act; you would pursue the Cape grapes into the hands of the retail dealer and compel the retail dealer to put up a notice as they do under the Margarine Act; is that your view?—It would compel him to sell an article as what it is.

444. Would you have it marked up above every particular fruit in his shop, "Grown at the Cape," "Grown in Australia," "Grown in England," or wherever it may be; or would you merely say that he is bound to tell you, if you ask him?—That is what I mean, that he is bound to tell you; that if a purchaser comes into his shop

Lord *Monkswell*—continued.

shop and asks for Cape grapes, the vendor is bound to sell him Cape grapes or nothing at all.

445. It is rather doubtful whether you might not catch such a man under the common law now. If you chose to ask him the question and said, "Are those Cape grapes?" and he was to say "Yes," and you were to find out clearly that they were not, I am not sure that your suggestion would go further than the common law?—But would not a law passed to that effect rather restrain the dealer from committing himself.

446. Then would you also insist on the Merchandise Marks Act being so amended as that it should be necessary to put the name of the country of origin on every package that came into England; have you thought about that?—I have not thought of that. In fact, what I am now advocating is entirely my own personal opinion, because I have not heard from my Government. I have asked my Government for instructions, and what I have said now is entirely my own personal opinion.

Lord *Monkswell*—continued.

447. Then the only suggestion which you make to the Committee now is that it should be a punishable offence for anybody to represent, on being asked, or to represent, of course, by a placard over the goods in his window, that fruit coming from one country comes from another?—Yes.

448. That is the only suggestion you make?—That is the only suggestion I make; and that colonial imports should not be regarded as foreign imports. That is a matter upon which we colonists are very tender.

449. But if a man was obliged to say that it came from a particular place, there would be no question of calling it "foreign" or "colonial"?—No; there would be no question of calling it foreign or colonial.

The Witness is directed to withdraw.

MR. EDWARD VINSON is re-called; and further Examined, as follows:

Chairman.

450. YOU have heard the evidence of the last witness with regard to marking cases of fruit with the name of the country of origin. Would that meet your view as well as marking with the words "grown abroad," or "foreign"?—I think, my Lord, it would lead to too great a complication.

451. You are now speaking from the point of view of Parliament, and not from your own point of view?—Yes.

452. I am asking you from your own point of view?—From my own point of view I think it would meet with too much complication. For instance, we get fruit from all parts of the world; if every place were to be marked, a man would have no end of bags. It would be too great an expense to the small retailers to have these bags printed.

Chairman—continued.

453. Are you speaking of the foreign growers?—No, of the small retailers in the streets.

454. As to, first of all, the marking of packages, if the packages were labelled Cape of Good Hope or Canary Islands, or whatever it might be, would that meet your views just as much as if it was simply marked "imported from abroad"?—Yes, but I think it would create a confusion in the distribution.

455. But as far as importation is concerned, it would meet your views?—Yes. The last witness, my Lord, said there was no exportation, as I understood him, of English fruit to the Cape.

456. I think he said he could not speak to that?—Well, a very large portion of the fruit which I grow goes to the Cape.

457. In a manufactured state?—Yes.

458. You mean to say as jam?—As jam.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to 4th June, Twelve o'clock.

Die Lunæ, 4° *Junii*, 1894.

LORDS PRESENT:

Earl STANHOPE.
Earl of ONSLOW.
Lord MELDRUM (*Marquess of Huntly*).
Lord DE L'ISLE AND DUDLEY.
Lord BELPER.
Lord LAWRENCE.
Lord MONKSWELL.

THE EARL OF ONSLOW IN THE CHAIR.

MR. THOMAS MITCHELL is called in; and Examined, as follows:

Chairman.

459. ARE you a fruit grower in the Clydesdale district of Scotland?—Yes.

460. Do you hold any official position?—No, my Lord.

461. Did you attend a meeting of the Clydesdale fruit growers, held at Underbank, on the 22nd of May, to consider the Bill before Parliament?—No; I was necessarily absent. I have the minutes of the meeting if your Lordships require them.

462. For how long have you been growing fruit as a branch of agriculture in the Clydesdale district?—For 20 or 30 years it has been grown.

463. Is there a large district there in which fruit cultivation is a principal staple of industry?—Yes; from Hamilton to below Lanark, a distance of between 15 to 20 miles in extent. The fruit country proper may be four miles wide, but you might say 10 miles if you take in little patches.

464. Can you give the Committee any idea of the area which is being grown under fruit; I imagine the whole of that area is not under fruit?—No; I have it here calculated at about 1,500 acres of strawberries and 1,500 acres of other fruits.

465. Are the holdings large or small?—Some are larger and some are smaller; they are generally small.

466. What would you say they are on an average?—They would be on an average 15 acres.

467. Can you give the Committee any idea of the number of people that are employed in the trade?—Do you refer to the growers?

468. No, I am not asking whether you can say how many people are dependent on the industry?—There might be about 250 growers, and they would employ, perhaps, 4,000 hands.

469. Have you formed any calculation as to the amount of capital invested in the business?—We calculate about 100,000*l.*

Chairman—continued.

470. What is the value of the annual output?—The value of the strawberries is 62,500*l.*

471. Is that strawberries alone?—Yes; other fruits are calculated at about 17,000*l.*

472. £79,000 to 80,000*l.* altogether?—Yes.

473. What are your markets for that fruit?—We send it everywhere, but principally to Glasgow.

474. Are the fruits used for the table or for making preserves?—They are used for both. I would say about one-fifth of the strawberries are used for table use.

475. Do you find in the markets of the north of England any competition as to fruit from abroad?—We find a great deal of competition in foreign and colonial fruit.

476. From what part?—Principally from Holland and the Continent.

477. We had a witness a few days ago who stated to the Committee that whereas the English fruit came to market when it was ripe, the foreign fruit was picked some days before it was ripe in order to enable it the better to stand the transit. Is your experience in Clydesdale similar to that?—Yes, it is something similar to that. I do not think fruit is so good unless it is allowed to ripen where it is grown.

478. In your experience, is the fruit which comes from abroad shipped in an unripe condition?—I could not say how it is shipped. When it comes here it is in a condition that we cannot tell how it is shipped.

479. Do you mean it arrives in such a bad condition that you do not know in what condition it was originally?—It generally does, but it is generally kept out of our sight.

480. Do you mean the bad condition in which it arrives is owing to its having been picked when it is too ripe?—No; to its being kept.

481. That is to say, it arrives in a bad condition, because it is packed ripe and deteriorates in the course of the few days' journey; is that it?—Yes, my Lord. I can give you an instance of one

Chairman—continued.

one lot of strawberries picked last year on a Saturday by some foolish person. The price of strawberries at that time was 29*l.* per ton, and they were delivered on Monday, and the man to whom they were consigned refused them. They were returned by his orders to the salesman, and, after trying nearly everybody, they had to be sold at 6*l.* a ton within a few days.

482. What was the reason for refusing them?—They were in bad condition.

483. Were they bruised?—No.

484. What do you call bad condition?—Strawberries get very soft and run to juice, so that you cannot tell what they are in the course of three or four days.

485. Is it your opinion that for the purpose of preserving or making jam strawberries in that condition are unwholesome as food?—Yes, it is my opinion.

486. You are aware, are you not, that there are provisions, under the Food and Drugs Act, prohibiting the sale of fruit or any other commodity in an unwholesome condition. I presume they do not come within that Act, or they would be seized by the inspector?—They ought to be seized under that Act.

487. Has the attention of the inspectors ever been directed to the condition of this fruit?—I am not aware of it.

488. Are there any inspectors?—I am not aware that there are.

489. At any rate you are not cognisant, are you, of any seizure having been made by them?—I am not aware of any seizure ever having been made, or any inspection having been made.

490. Have you any experience of fruit being in such a bad condition as to be manifestly unfit for human food and yet to be sold?—I have known our own fruit to be turned out as unfit for food.

491. Who by?—By the brokers.

492. Not by the inspectors?—Not by the inspectors; by the brokers themselves.

493. Have you any knowledge of any system of inspection over the fruit as an article of food?—I have never seen it in any case unless on a barrow in the streets.

494. Do you know that the Food and Drugs Act provides for that?—Yes.

495. But you have never known it, have you, put into force?—We have never heard of it unless with respect to some poor body in the street with a barrow.

496. Can you tell us how long, in your opinion, the fruit that comes from abroad takes in transit, or how long it is before it is sold?—About five days.

497. Is it imported in large packages?—Yes, of generally about 4 cwt., and sometimes more.

498. Where are they imported to?—Principally to Leith.

499. How do the prices given for foreign fruit and English fruit compare?—That class of foreign fruit never appears in open market; the most of that fruit is bought in Holland free on board.

500. And cleared by the purchasers?—Yes.

501. By jam makers, I presume?—Yes.

502. Of course it would be obvious that fruit in that condition would be useless for the table, would it not?—It would be of no use at all.

Chairman—continued.

503. Then what do you complain of in the way of injury to your trade?—I have written down here, "By the admixture of unsound foreign fruit with home-grown fruit, and the sale of the resulting jams, &c., as home-made, the reputation of Clydesdale fruit and preserves is destroyed."

504. Let me stop you there one moment. In what way is it sold as home-made; is there any guarantee given with it?—They are perfectly correct in saying it is home-made; they do not say it is home grown.

505. They draw a distinction between home-made and home-grown, do they?—Yes.

506. Is there any mark upon the jam-pot, or is there any indication of the place where it is made?—Yes, in some cases; but there is such a thing as fruit sold in Glasgow without any mark at all.

507. Is there any reason to suppose that the buyer is under the impression that it is home-produced or home-made?—Home-made conveys a certain feeling that you are buying both home-grown and home-made.

508. I thought I understood you to say that there was no mark?—In some cases.

509. In those cases is there any reason to suppose that the purchaser is buying either home grown or home-made jam?—I would fancy in that case the buyer would think he was purchasing an inferior article.

510. In your experience as a fruit grower could you tell the difference from tasting the jam or inspecting the jam whether the fruit was grown at home or abroad?—It could not be easily done.

511. Certainly not by the consumer, could it?—Not by the consumer. Then I say that the reputation of Clydesdale fruit and preserves is destroyed, the demand lessens, and prices go down. The market is often filled with inferior foreign fruit, which, even if not absolutely unfit for food, is not of as good quality as the home-grown, and since after manufacture no distinction is made, it checks the demand for fruit grown at home, and lowers prices. We consider that for making preserves the home-grown article is superior to the foreign even in good condition, since ours contains more acid and more characteristic flavour.

512. You say that the reputation of Clydeside fruit and preserves is destroyed; do I gather from that that there are some makers who specially guarantee to the public that their preserves are Clydeside-grown or Clydeside-made?—Yes, some preserve makers do.

513. Then do you say that the public, when they buy fruit in that district, are under the impression that they are buying Clydeside fruit, whereas they are really buying foreign fruit?—I do not make that imputation.

514. I think you said just now, did you not, that the foreign fruit could be bought at a lower price than the home-grown?—Yes; but there are preserve makers who never touch the foreign fruit.

515. I know;

Chairman—continued.

515. I know; but there are preserve makers who do?—Yes.

516. Do they sell their preserves at a lower price to the public than those makers who warrant the Clydeside-grown fruit?—I am not aware, but the preserve maker who buys the genuine article has to compete with the maker who buys the inferior article at a smaller price.

517. But do you maintain that he buys the inferior article at the same price as the best quality article?—No.

518. Therefore, if the buyer chooses to buy a bad article at a lower price, it is his own look-out, is it not?—Yes, but I do not think it is right that he should be allowed to buy a thing which is unwholesome.

519. Have you any cases within your knowledge where illness or disease has resulted from the purchase of preserve made from foreign-grown fruit?—No, not to my knowledge.

520. Then in what way do you say it is unwholesome?—I say in its raw state it would be most unwholesome, and I do not see how it can be brought back to life and made wholesome by being treated with chemicals.

521. What is the effect upon the human frame of consuming this preserve?—I am not aware.

522. You only think, do you, that it cannot be so good for the body as the other?—I think so.

523. But you do not know of any cases of illness arising from its having been eaten, do you?—No.

524. In what way do you suggest that Parliament should help you?—We think that all fruit should be subject to inspection before being made into preserves or offered as food. Inspectors should examine foreign stuff at the port of landing, and they should also visit the jam factories; but that would not be so easily done.

525. You say that you think it should be subject to inspection, do you?—Yes.

526. I ask you again, are you aware that already there is a requirement by Act of Parliament that this inspection should take place, and do I understand you to say that in your opinion, that that inspection as to Clydeside is inadequate?—I have never heard of inspection there.

527. Have you never seen an inspector under the Food and Drugs Act there?—No.

528. Then, I understand, you further suggest that they should have power to visit the jam factories?—Yes.

529. With what object?—To see that there is no unsound fruit manufactured into jam.

530. Do you mean, not that there shall be no foreign fruit, but that there shall be no unsound fruit?—We do not object to foreign fruit; if it is in good condition we have no cause of complaint.

531. When you say "unsound," do you mean it is unfit for human food, or that it is not in good condition?—That it is not in good condition, and consequently unfit for human food.

532. I want to know whether, in your opinion, a fruit which is unsound is necessarily, because unsound, unfit for human food?—If fruit is unsound it is surely unfit for human food. All fruit will become so by keeping, if you keep it long enough.

533. Then, in your opinion, food which is unsound ought to come within the meaning of the Food and Drugs Act, which provides that that which is unfit for human food should be seized by the inspectors under that Act?—Just so.

534. What should be done then with the fruit?—All unsound fruit should be condemned and destroyed. Foreign fruit fit to be used should be identified as such in some such way as is indicated in Clauses 3, 4, 5, 6, 7 of Mr. Hozier's Bill. Clause 3, in as far as applying to retailers, might be relaxed or dispensed with; that is simply fruit on a stall or a barrow which is in its raw state, and everybody knows and sees what they are buying. I would suggest in connection with this that all fruit sold in unmarked packages should be held as home-grown. Section 8 of Mr. Hozier's Bill I look upon as a most valuable protection, both to the general public and the home producer. Sections 9, 10, and the remainder of the Bill are simply as to technical questions about the carrying out of the Bill which I cannot say anything about.

535. I presume, then, you are familiar with Mr. Hozier's Bill?—Yes; I have read it several times.

536. Objection has been taken to that Bill that, under it, it would be necessary for every retail dealer selling to a single purchaser to indicate by wrapping his fruit in a bag, or other wrapper, that the article was home-grown, and that, I understand you to say, you think might be dispensed with?—I think so.

537. Then is your opinion limited to a desire that fruit imported into this country should bear upon the packages the place of origin?—Yes.

538. And that you would not carry that any further than the wholesale package, would you?—Quite so, if there were that on the wholesale package. The party who first bought the fruit must know whether it is home or foreign, and consequently be liable to inspection, and I think that would meet the whole thing.

539. In the next place you suggest, I think, that when no mark appears upon the package the vendor of that package should be held to guarantee that his fruit was grown at home?—Yes.

540. Unless otherwise marked?—Yes.

541. Section 8 of the Bill, which you say you look upon as a most valuable protection to the general public and the home producers, provides that the fruit should be an article of food under the Food and Drugs Act. Will you kindly look at the Act, Section 2, the interpretation clause, where you will see the following words: "The term 'food' shall include every article used for food or drink by man, other than drugs or water." Do you not imagine that that includes fruit?—It ought to include fruit.

542. Fruit is used as food by man, is it not?—Yes.

543. And therefore it should come under that interpretation clause, should it not?—Yes.

544. Do you therefore imagine that the effect

Chairman—continued.

of the passing of such a clause as this would simply be to draw the attention of the public and inspectors under the Food and Drugs Act to the fact that fruit was specially included and intended to be included under that Act?—Yes. It is the principal thing, and that it should be as liable to inspection as everything else. We have no objection to that.

545. When you say that Section 8 you look upon as a most valuable protection to the general public and home producers, do you mean that if the Food and Drugs Act were carried out it would be a valuable protection to the consumer and the public?—It would be a protection to everybody who wishes to act honourably.

546. Have you any other further matter which you wish to bring before the Committee?—No.

Earl *Stanhope.*

547. I understand that your contention chiefly is as to unwholesome food, is it not?—Yes.

548. As regards the profits which you as a fruit grower derive, do you think they are injured by the competition of foreign fruit?—Yes, they are seriously injured, but if the foreign fruit is sound and good we have no cause of complaint.

549. Therefore the shoe does not pinch you in that direction, as regards the market being flooded with foreign fruit to the exclusion of Scotch fruit?—No; we are not so selfish as to look upon it in that way.

550. Do you not think that sometimes a consumer may be injured by buying foreign fruit as English fruit?—I do not know, if the fruit is sound, that there is any great difference. We believe our fruit is better for preserving purposes.

551. Do you think the consumer knows what he is buying always?—I think the preserve maker in a lot of cases well knows what he is buying.

552. I thought you contended the English fruit is better than foreign fruit, did you not?—We think it is better to begin with, and if we were to keep our fruit for four or five days, as that foreign fruit is kept in transit, we could not sell it at any price. If I were to pull strawberries and keep them for four or five days I could not get 2*s.* 6*d.* per cwt. for them.

553. But surely the remedy is in your hands, is it not; you have in Scotland a food and drugs committee under the county council, and it has only to give notice that certain fruit is in the market unwholesome for human food, and you would soon have an inspector down, and a penalty imposed, would you not?—But you must understand there are any amount of consignments of that fruit which never come before the public eye. It is landed in Leith from Holland, it goes direct to the maker at the works, and it never sees the market.

554. It goes to the jam manufacturers, do you mean?—Yes.

Lord *De L'Isle and Dudley.*

555. Then you mean, do you, that it is never seen in the open market?—Just so.

556. It passes in an unsound state and is shipped to the jam manufacturer, do you mean?—Yes, in whatever state it is. What we say is, that it ought to be inspected on landing.

557. With regard to this jam, which is made out of unsound fruit, and sold to the public, cannot the public tell whether they are eating sound or unsound jam?—We know that certain jams sell and other jams do not sell; that is all we know.

558. Then you say there are certain good jam sellers, and certain bad jam sellers, but do not the public ever complain when they come into the hands of a bad jam seller?—I know of one grocer, in our place, who had jam from a preserve maker whom he had never dealt with before, and I think it stood with him all the winter, but what was the cause I could not tell you.

Marquess of *Huntly.*

559. Have you any system of inspection of jam factories in your neighbourhood?—Not that I am aware of.

560. Does not the inspector under the Act go through the manufactory?—Not that I am aware of.

Lord *Belper.*

561. What county or district are you in; are you speaking of the county or borough?—Lanarkshire.

562. I conclude there are inspectors there under the Food and Drugs Act, are there not?—Yes.

563. Have you never called their attention to the fact that unwholesome food is being sold, which ought to be inspected and condemned, if it was found unwholesome?—No, I have never heard of their attention being called to it.

564. You have come here to complain that they do not carry out the Act, as I understand, therefore why have not you called their attention to the fact there is this unwholesome food sold?—You see that it happens at a time when everybody has more to do with their own business than they can manage. We are very busy at that time.

565. Do you mean that as far as fruit is concerned you have never heard of any case in which any action has been taken in regard to inspection or condemning unwholesome fruit?—We only hear it by report and from the papers, but we never hear of any action being taken except in the case of small dealers.

566. Do you see in the papers that they are active in other respects in finding out the adulteration of other articles, such as milk or spirits, or anything of that sort?—Yes.

567. And butter?—Yes.

568. Then you are unfortunate as regards fruit, are you?—Well, I have never seen anything as to the fruit, and I do not see why the fruit should be exempt. I am a fruit grower to a considerable extent, and, for my part, I have no fear of an inspector. I think if a man wishes to do right and act honestly he need not fear an inspector.

569. I think it is quite clear that it is not exempt under the law, and if there is any unwholesome fruit sold it is because the local authority

Lord *Belper*—continued.

authority either does not believe it to be the case, or does not pay any attention to it; but your experience is otherwise, I understand?—Yes, there have been no such cases that I am aware of.

570. We heard from the south of England that foreign fruit was sold in a basket similar to that in which English fruit was sold, therefore the public were deceived that way; what do you say as to that?—I have seen Dutch strawberries sold in baskets, but, unfortunately, there was a beard on them, a fungus growing over them by the time they were here to be sold in baskets.

571. I suppose if there was a fungus on the strawberries they would not sell very well, whether they were foreign or English, would they?—It would make no difference whether they were foreign or English, but I saw them sold.

572. What I want to know is, whether there has been any attempt made to imitate your own make of baskets or boxes, in order to make the public believe that they were getting English or Scotch fruit when they were getting foreign fruit?—They could not do that, because the fruit would never be in a fit condition to sell in baskets.

573. Which fruit?—Continental fruit, strawberries especially.

574. Where do they come from?—Principally from Holland.

575. Do they come by steamer to the Clyde?—Yes; to Leith principally.

576. Is none of that fruit sold in baskets?—Yes, some is sold in baskets.

577. I thought you said it was not in a condition to be put in baskets, did you not?—It is not generally in good condition.

578. Never mind the condition; what are they sold in, in boxes or baskets?—In boxes or baskets, and barrels.

579. Then, if it is sold in baskets, I suppose it is in a condition to be put into baskets, is it not?—It will be in good enough condition when it leaves.

580. Are those baskets of similar shape and pattern to the baskets in which the Scotch fruit is sold?—Yes, the same.

581. Has that always been the case?—They are sold sometimes in boxes; but we get all sorts of packages from the Continent.

582. I do not understand from your answer that you make that a special cause of complaint, do you?—I have no complaint at all to make against foreign fruit if it is sound.

583. Is your sole ground of complaint that you believe that there is more foreign fruit unsound than there is English fruit?—Yes; and there is more cause to think about it.

Lord *Lawrence.*

584. You do not mean to say, do you, that the preserve makers or jam makers are deceived when they are buying fruit in the market; they know perfectly well what they are buying, as a rule, do they not?—I could not say; they do not buy it in the market; it is principally bought before it starts. It is brought free on board.

Lord *Lawrence*—continued.

585. Then they have no grievance, have they?—No.

586. Do you think it is mixed with your home-grown fruit at all?—We believe it is; but we have no means of telling.

587. If the best of it is mixed you would not be able to tell it from home-grown fruit, would you?—I do not suppose we could tell. We could tell whether it was good or bad jam.

Lord *Monkswell.*

588. You told us you thought there was about 100,000*l.* of capital invested, which produces 80,000*l.* gross, did you not?—Yes.

588*. You must have under estimated the capital, must you not, if it produces that amount; do you mean that that amount of capital produces about 80 per cent. profit?—But you have not taken into account the fact that the expenses are not taken out of that; that is gross.

589. I understand the net profits must be less than that; but still, they must be very large, must they not, notwithstanding your foreign competition?—I think we do fairly well.

590. You say that it is not easy to detect the difference in jam made from this foreign fruit five days on the way, and that the reputation of your jam is destroyed. I should have thought if it was not easy to detect the difference it would not have much to do with the reputation of your jam?—A person might not be able to detect what it was made with, but he could say he had an inferior jam.

591. Then you say, do you, that you can detect the difference?—You can detect that you have an inferior jam.

592. Is your statement now that the jam made from this foreign fruit is so inferior that an ordinary purchaser could tell he was not getting a good article?—If the fruit was home-grown and too long kept, it would make inferior jam, just the same as the foreign fruit

593. I thought you said at first that it was not easy for a person who was not an expert to detect the difference between the two jams. I thought you meant to say that the one jam was almost as good as the other?—That is not what I meant to say.

594. Then is there a considerable difference between them?—There is.

595. If you had two pots, for instance, one made with your fruit and another made with foreign fruit which had been five days in transit, would anybody tasting the two know the difference?—If the one was five days in transit and the other made from newly-pulled fruit, I have no doubt you would know the difference.

596. But all foreign fruit has been five days in transit, has it not?—Yes, something like that.

597. Therefore there is a marked difference in the two, is there not, which anybody could appreciate?—Yes, our fruit is never very long kept.

Lord *Belper.*

598. Does much fruit come to you from the south, from London, and so on? No, not very much.

Lord *Monkswell.*

599. I do not understand how the marking of the wholesale packet would prevent the sale of small

Lord *Monkswell*—continued.

small quantities of foreign fruit as home-grown fruit?—Fruit sold in small quantities is sold to consumers who see the fruit. That refers to fruit retailed in its raw condition.

600. So that you mean, do you, that the purchaser must look after it himself; if he sees a good lot of strawberries, he will buy, and if he sees a bad lot, he will not?—That is my opinion.

Lord *Monkswell*—continued.

601. So that you say the difference between the five-days-old strawberries, and the strawberries that are picked at home would be quite patent when exposed, do you not?—There is no fear of strawberries being offered for sale in open market which are five days old.

The Witness is directed to withdraw.

Mr. WALTER FORREST is called in; and Examined, as follows:

Chairman.

602. Do you also come from the Clydesdale district?—Yes.

603. Were you present at the meeting at Underbank?—Yes.

604. Perhaps you can tell the Committee what took place there, and tell us what the resolutions passed at the meeting were?—Mr. Mitchell, Mr. Templeton, my brother, and myself, were appointed to come here. Mr. Mitchell was not present at the time, but he is here. My brother could not come, but Mr. Templeton is here. A minute of the meeting was drawn up and this is the minute.

605. I will read it, so that the Committee may know what it contains. It is as follows: "The following resolutions were unanimously adopted: (1.) That we cordially thank Mr. Hozier for his efforts on behalf of the home growers and consumers; that we approve of the general principles contained in his Bill, and urge him to reintroduce the subject in the next Session of Parliament. (2.) That Mr. Hozier's attention be especially directed to the two following abuses, which in our opinion urgently call for legislation—(*a*) The extensive use of rotten, unsound, and unwholesome fruit in the manufacture of preserves; (*b*) the labelling of preserves as home-made, which are in reality made with foreign fruit of inferior quality. In our opinion inspectors should be appointed to supervise preserve works and prevent these abuses. (3.) That we appoint the following gentlemen our delegates to give evidence before Parliament in the inquiry now going on into this matter, viz.: William Templeton, Esq., C.C., Torland Dalserf; Thomas Mitchell, Esq., Nethanfoot, Crossford; Walter Forrest, Esq., Underbank, Crossford; Archibald Forrest, Esq., Clyde Grove, Crossford. (4.) That we homologate the letter drawn up by Mr. John Munro, of Brodiehill, on this subject, and request him to forward it to Mr. Hozier as soon as possible." What does that mean? Have you got that letter?—No.

606. The Committee have heard already from the witness who preceded you, that you complain of the use of unsound and unwholesome fruit, but I observe in this resolution you complain of the labelling of preserves as home-made, which are in reality made of foreign fruit. Can you give us some instances of that? In what way is it labelled as home-made?—There are a great many different classes of preserve makers. The English, Scotch, and Irish grown fruit is often bought as high as 20*l.*, 25*l.*, and 30*l.* per ton. Hundreds of

Chairman—continued.

cases of raspberries, strawberries, and red currants are brought from continental ports to which boats run. Sometimes they come in steamers, but sometimes they are kept in the hold of a sailing vessel for a fortnight, which leads to nothing but mortification. That fruit sells on arrival at 2*l.* to 2*l.* 10*s.* a ton, and goes to the factories. That fruit is put into the market to undersell, to bring down the price; but what we complain of on behalf of the community is that that rotten abomination should be put on the public, be it mixed with sound fruit or chemical ingredients. I have been connected with this matter since I was born, and I have never been employed in any other business. I know all about the factories, with the exception of one, from the first day of their starting, and I can say that the Act is a hidden thing, and is a dead letter as regards the preserve works in Scotland.

607. You have not now answered the question I have put to you. I want to know if you can give us instances of the labelling of preserves as home-made, which are in reality made of foreign fruit?—The fruit is often labelled home-made.

608. What are the words used?—"Home-made strawberries," "home-preserved black currants," when there is never a black currant growing in the country.

609. Is that on the jam-pot?—That is on the jam-pot.

610. The preserve-maker puts this foreign fruit into a jam-pot which is labelled home-made, does he?—Certainly.

611. Have you ever tested whether that is in accordance with the existing law or not. Have you ever tried a prosecution?—I never knew there was a law to reach them at all. We hear of people condemning hucksters, but we never hear of an inspector interfering with the fruit as it lands at the ports, where it ought to be condemned, and never let up into the country at all.

612. You are aware, of course, that it is illegal to obtain money under false pretences, in the first place?—Yes.

613. And that under the Food and Drugs Act it is provided "that every person who shall give a false warranty to any person in respect of an article of food sold by him shall be guilty of an offence," and "every person who shall wilfully give a label which shall falsely describe the article sold shall be guilty of an offence under this Act." Now, do you not imagine that a man

Chairman—continued.

a man who labels a pot of jam with the words "home-made strawberries" or "best home-grown strawberries" is not committing an offence under that Act?—"Home-grown" is a different thing altogether to "home made."

614. Now I understand your point. It is, in fact, "home-made," is it not?—Yes.

615. But made of foreign-grown fruit. It is not untrue to say it is home-made, is it?—No, it is not.

616. It is, is it not, home-made, but foreign-grown?—Yes.

617. And what you say is that the public is thereby made to believe that it is both home-made and home-grown?—Yes, that is the point.

618. Then would your remedy for that be that no person should be allowed to put "home-made" upon their jam, unless the fruit is also home-grown?—The one thing can all be embodied in a very small compass. There are hundreds of tons of fruit fit for nothing but the dung-hill—rotten—which comes into the country. It comes in 5-cwt., 6-cwt., and 8-cwt. casks, which are never seen in the markets; it is consigned to agents right from the port of landing, *f.o.b.*, and it is never seen, and it is often obtained for little or nothing. Now, if this fruit were condemned, I think they would stop sending it; but it is enclosed in these casks which are never opened. The Food and Drugs Act, as regards this, is a dead letter.

619. Are not these casks exposed for sale?—No.

Earl *Stanhope.*

620. But if you fruit growers bought one of these casks, opened it, and found it full of rotten fruit, you could easily get a penalty imposed upon such fruit being sold by the jam makers, could you not?—I would not say there is not a remedy; but that is not the question; the question is how this sending of bad fruit to compete with people who are paying 20*l.* a-ton can be stopped. To get it stopped is the main thing.

621. What is the process that a maker of jam goes through when he is buying fruit. Does he not ask to have the casks sampled before he buys it?—Yes, if he has got to pay market value for the article, but if he knows that it is an inferior article which he can get at 2*s.* 6*d.* to oppose you who are paying 20*s.*, I do not know what he would do. A great many will do what is going to pay them best.

622. But these casks are opened only when they come into the purchaser's hands, I understand?—They are often not opened at all.

623. Has an inspector no means of getting at them?—I do not know about that; I know they are taken out of the boats, put on to railways and canals, and sent into the country.

624. As a matter of fact the inspector does not get to see the contents of the cask, you say?—He might see them.

625. But, as a matter of fact, do you know whether he does?—Hundreds of them are never seen by an inspector. We have seen them lying in Glasgow market now and again, in dozens or fifteens, and they lie there till the bung has been taken out of them and then they have been known to be sold as low as 2*s.* 6*d.* a cask, sold to go away to a preserve works, from which it all comes out again as jam. The main thing, you may depend upon it, is to prevent rotten fruit being passed on the community, which is done to such a large extent, to the damage of the home country, to an awful extent, it is a practice which is increasing.

Earl *Stanhope*—continued.

626. Are there no black currants grown in Scotland?—We do not grow very many black currants. A great many black currants come from England into Scotland, and they have rotten ones to compete with.

627. With regard to the casks of rotten fruit, surely it would be possible for your association to buy one of these casks on landing, open it, and see what it contained, would it not; and if similar casks were consigned to anybody you could bring an action?—But why should they condemn unsound meat and not condemn unsound fruit without our taking action. Can the public not be protected as to that as well as to everything else? I do not think it is a question for an individual to deal with.

Lord *De L'Isle and Dudley.*

628. Then, in fact, the inspectors do not do their duty, is that it?—I have never known of any inspectors at all with regard to this matter. As regards inspectors the Act is a dead letter, except as to hucksters in the street.

629. There are inspectors, and under that Act they ought to act, ought they not?—I was not aware there were inspectors for anything of the kind.

630. But are you not aware that they have full power of inspecting these barrels as they pass from the ships to the jam manufacturer?—I do not know.

631. Do they not exercise it?—I never knew of it: the Act is as far as I know a dead letter so far as that is concerned.

Earl *Stanhope.*

632. Have you asked any of these jam manufacturers whether they would object to label their jams as made of foreign fruit?—I never did. As regards labelling them as made of foreign fruit, if they would label them as made of rotten fruit it would meet the point.

633. One of the resolutions at this meeting was "Labelling preserves as home-made which are in reality made with foreign fruit of inferior quality," and you recommend that they should be labelled otherwise, as foreign preserves?—Quite so. But the main thing, as I have said, is that these hundreds of tons of diseased fruit are landed. You might search through an 8 cwt. cask from now to Saturday night to find a strawberry before you could find one.

634. Have you ever heard of any illness arising from people eating this rotten fruit after it is made into jam?—I know that tons and tons of it have been returned and have had to go through the process again with some more chemicals and tried again. It was not the fruit grown in England which was returned. I am speaking of a thing which I happen to know something about, and which I have been connected with for 40 years before there were many preserve

Earl *Stanhope*—continued.

works. All my brothers have been connected with it. We have sent a lot of fruit to London and to Liverpool, and we know something about it. I say it is for the good of the community to prevent this abominable fruit being poured into the country.

635. If you could obtain a proper inspection of this fruit coming into Leith, would you be satisfied?—Certainly, at Leith and Grangemouth, the Clyde, Liverpool and all other places. There is not a single individual who has seen all that I have seen; but how to remedy it and prevent rotten fruit getting into preserve works, we do not know.

636. Does this fruit come chiefly from Holland?—Yes, chiefly from Holland.

637. Then I suppose it is really packed too ripe, instead of not ripe enough, is it not?—They send the strawberries too ripe in baskets, and when they get bad they put 8 cwt. of them into large casks, cover them up, and by the time they come to us they are decomposed. There is no secret in it. I have seen them opened often enough, and it is a practice which is carried on to a great extent.

Marquess of *Huntly.*

638. The last witness I understood said he thought it would be sufficient if there was a label on each package distinctly showing that it was foreign fruit. According to you, I understand you do not think that that would be sufficient, but that besides there should be a rigorous inspection and condemnation of all this bad fruit at the port of landing?—Yes. I put it as rotten fruit which ought to be stopped from getting into the country and put upon the market.

639. Then besides having all packages labelled with the region from which they come as foreign fruit, would you have a strict investigation and condemnation of all rotten stuffs?—That is the first thing.

Lord *Belper.*

640. You do not express a very confident opinion as to whether the present law is strong enough to effect your object, do you. You do not pretend that you are very conversant with the state of the law, do you?—I do not.

641. But what you want is, I understand, that the present law should be enforced, or if it is not strong enough, that a law should be made to meet the difficulty?—That is the fundamental point. There are preserve makers who buy a cheap fruit, and sell jam at a cheap price. They buy these foreign things cheap, label them all in the same way, and to protect the honest preserve maker they should be made to mark foreign strawberries as such.

642. I understood the last witness said he did not object so much to foreign fruit, as to foreign rotten fruit. He said he had no complaint to make of foreign fruit when there was no deception proved in regard to it; but I want to know whether you agree with him that you have no special complaint of the foreign fruit as long as it is good?—The question refers to two different things altogether. There is a good deal of fruit coming into the market which people see all in baskets, but the bulk comes in casks. You see

Lord *Belper*—continued.

there is a great difference between the two, the one is put before the public which they see, and the other they never see. Now, which is to be labelled?

643. Will you kindly answer my question, whether you have any complaint to make about foreign fruit if it is good foreign fruit, or whether your complaint is confined to the fact that the foreign fruit is so rotten that you think it is unfit for human food?—We have no complaint of foreign fruit coming into the market and being sold before people's eyes, any more than English or Scotch fruit, but when it comes in closed casks there is a great difference.

644. If it is good fruit, even though in casks, is it good for the purpose?—I am one of those who do not believe that good strawberries have ever been landed in 8 cwt. casks. They are often put in these when they cannot be sent in any other way.

645. Then does it come to this, that your complaint is that the fruit comes in a rotten state?—Yes.

Lord *Lawrence.*

646. Has your association ever done anything in the way of calling the attention of the inspectors to these matters?—No; we never knew that inspectors had anything to do with preserve casks.

647. You have never made use of the law as it exists up to now, have you?—I was not aware that we had anything to do with the law except to see that we did not break it.

648. But under the Food and Drugs Act there are certain powers, are there not?—But we are not inspectors. We are expected to abide by the law ourselves.

649. Do you think the inspectors have no power at all over the fruit trade, or, if they have, they do not use it?—All I can say is that, as far as I know, the inspectors do nothing at all in condemning casks when landed.

Lord *Monkswell.*

650. Supposing inspectors were appointed whose duty it was not to allow any of this fruit to be landed without inspection, and supposing it passed the inspection, would there, in your opinion, be any reason for affixing a label to that food after it has once passed inspection?—I think all foreign fruit, strawberries especially, ought to be labelled that it comes from Rotterdam or Holland instead of Kent. The idea of fruit coming from Hamburg, for which they pay half the price, being palmed off as fruit that comes from Kent. I say that the main thing is to condemn rotten fruit, but I have no objection to them saying it is grown in Hamburg instead of Kent, when they get them at near a third of the price.

651. When you say you have no objection, do you mean it ought to be enforced by law?—Yes.

652. And even supposing the casks were inspected, and, contrary to your opinion, they were passed as fit for human food, would you still say it was desirable that the contents of those casks should not be allowed to come on the market without being labelled foreign, or if they are made

Lord *Monkswell*—continued.

made into jam, the pots should contain a label that it was made from foreign fruit?—But you see they are getting the fruit for a third of the price, and if you mark American beef, why not mark these strawberries.

The Witness is directed to withdraw.

MR. WILLIAM TEMPLETON, is called in, and Examined, as follows:

Chairman.

653. ARE you a fruit-grower in the Clydesdale district?—Yes.

654. Are you a county councillor for the the county of Lanark, and a justice of the peace?—Yes.

655. I suppose in those latter capacities you have some experience of the working of the Food and Drugs Act in your county?—Yes.

656. Can you tell us whether that Act is, in your opinion, efficiently carried out, if not, why not?—There is only one large preserve works in our county; the rest are in the burghs, or principally in the city of Glasgow.

Lord *Belper.*

657. I quite accept your evidence; but you probably heard that the first witness stated that all the facts he was speaking of were in connection with the county of Lanark, and not in the burgh?—We have only one large preserve works that I am aware of. There are one or two small works.

Marquess of *Huntley.*

658. I think you meant, did you not, that where the fruit was grown was without the burghs, but that the preserve works were within the burghs?—Yes.

Chairman.

659. This rotten fruit arrives, does it, at the port of Leith, and taken to the burgh of Glasgow, and does not come into the county of Lanark at all?—That is so.

660. Therefore the inspectors under the Food and Drugs Act are not within your jurisdiction, are they?—That is so.

Marquess of *Huntley.*

661. Those whose duty it is to examine these things are not under the control of the Lanark County Council at all, are they?—No.

662. Are they under the control of the port of Leith or the burgh of Glasgow?—Yes.

Chairman.

663. Does the fruit-growing industry obtain to any extent in any other part of Scotland than Lanark?—I should say parts of Ayrshire, round about Kilmarnock, Aberdeen, Polmont, Midlothian, and Blairgowie, are the principal fruit districts in Scotland.

664. We have heard some evidence already from your district. Do you say, generally, that you agree with the evidence that has been given by the other gentlemen who have been called?—Yes; I concur generally with what they have said.

665. If you have anything to add to what they have said, the Committee would be glad to hear it?—Would you allow me to make a remark with regard to the food and drugs inspectors in Glasgow? I do not think they do their duty there very well, and the reason I give is this, that the preserve makers there have always been well represented in the council, and from my experience I find that the inspectors do not care to interfere with the interests of those under whom they are appointed. I would also state that my opinions are these, that this is a very good Bill indeed, but I would not interfere with the retail trade at all; I think it would be a cumbersome thing, and an unnecessay expense and trouble to mark all the retail fruit, because there is some very good fruit imported. What we complain of is principally with regard to preserving fruit. So far as I am interested in fruit growing, and speaking for the fruit growers of Clydesdale, whom I have represented on many occasions, what I say, is simply that a thorough inspection of preserving fruit should be made, and that it should be marked as such, because the transit, as has been pointed out, takes five days before delivery, and supposing it hangs about another five or six days in the market, it becomes worthless. I hold that from the moment the fruit is pulled it begins to ferment, and evaporation goes on, consequently the acid, which is the principal thing in fruit, goes off. Then the fruit gets into a heated state owing to 600 or 700 tons coming across in a single vessel, so that if it is not immediately preserved it very soon gets into a decayed state. I should not like to say that the Glasgow inspectors have not dealt with the matter at all. I have known several cases where fruit has been seized and destroyed, but I have never known of a case where a preserve maker has been taken up for using unsound fruit, though I know it is used. I have often seen in the Glasgow markets fruits in a high state of fermentation; when that goes on the acid evaporates and it is supplemented by spirits of wine, and other deleterious ingredients such as glucose, and some stuff made from Indian corn, called *gelatine*, which the preserve makers largely mix with the preserving fruit. All these things are sold as preserved fruit, which, I think, is wrong; and as fruit is now so largely used, I think we ought to have national inspectors; I think the inspectors already in existence are not doing their duty as they should do.

666. You, and the witnesses before you, have dealt almost exclusively with fruit for the purposes of making jam. Do you sell any quantity for the table?—Yes. Do you mean the Scotch fruits? Yes. Scotch strawberries can take a first place anywhere.

667. I imagine your fruit is somewhat later than the fruit in the south of England, and probably for table purposes does not command so high a price as fruit obtained earlier, does it?—

Chairman—continued.

Scotch strawberries command as good a price as any other strawberries.

668. Is there any other point to which you wish to call the Committee's attention?—I think I have already stated this; I do not ask for protection at all, but I simply want foreign fruit to be labelled as such. Continental and Dutch fruits for preserving are inferior to our fruits. The fruit is plucked before it is ripe, consequently it is not so good, and when it becomes ripe it is generally in an unsound state, and it is in that state exactly when it has to be dealt with in the market. It is then sold at a very low price, which brings down the price of our fruit, and all we ask, therefore, simply is that the preserving fruit should be marked as such, and that there should be better inspection of it.

Lord *De L'Isle and Dudley.*

669. Do you want jam to be marked whether it is made from English or foreign fruit. Do you wish it to be labelled in any event?—I am quite agreeable that it should be marked in any case. It is generally all marked as home made or home-grown fruit.

670. Do you think that if jam is made from English fruit it should be so labelled, and if it is made from foreign fruit it should be equally so labelled?—I do not object to English fruit being put on our market.

671. Do you want jam made from fruit grown in England labelled, and jam made from foreign fruit labelled?—Yes.

Marquess of *Huntley.*

672. Can you not imagine if the inspection was at the port of landing there would be considerable difficulty in the inspector opening cases there and determining whether the fruit was sound or not; is not that so?—That is so.

673. If that is so the inspection should be at the factory where the fruit is delivered, should it not?—Certainly.

674. Although you have heard of cases of fruit being surveyed at the factories or at the wholesale markets in Glasgow you do not think that that inspection is carried out very efficiently, do you?—No, it is not.

675. Do you think there should be, in fact, inspectors separately told off at these jam preserve works to inspect all fruit delivered at the works?—That is my opinion.

676. And that is the place where the inspection should be?—That is so.

Lord *Lawrence.*

677. You say this rotten fruit is chemically treated very often, do you not?—I do not wish to use the word "rotten."

678. A previous witness spoke of it as rotten fruit, and led us to believe that nearly all of it was rotten?—It is unsound; in a state of decomposition, I should say.

679. And it is very often treated with chemicals, is it? You said yourself just now that they put spirits of wine in it?—Yes.

680. Would you condemn fruit like that as unwholesome if you were an inspector after it had been treated in that way?—It would depend entirely on the state it was in. What I want to make clear is this, that if foreign fruit

Lord *Lawrence*—continued.

is liable to such inspection it would fetch a cheaper price and there would be a better market for our fruit.

681. Then is your suggestion that there should be thorough inspection and marking?—Yes. There is another point I should like to mention. A question was put to a former witness, "Can it not be detected?" Now it can be made up to resemble so nearly our own fruit, although inferior, as to be impossible of detection, just as butter and margarine are. I have seen judges deceived in a case of that kind, where one has been made of milk and the other of fat. It is the same with the gooseberry; you cannot tell; they can make it so much alike.

Lord *Monkswell.*

682. It seems to me that inspection is one thing and labelling another. I quite agree with the inspection, but do not understand how far you would carry your principle of labelling; you would simply label, as I understand, the foreign jam, not the foreign fruit, that was exposed in retail shops?—No.

683. Simply the foreign jam?—Simply the preserved jam.

684. As that jam is sold at present at a low price, I suppose the public know the difference, do they not?—No, they cannot detect it very well.

685. It is sold at a lower price, though, is it not?—There is just the one price, but the fruit in the market is sold at a much lower price than our own fruit when in an unsound condition.

686. But you do not propose labelling to meet that point, I understand?—No, only as to the preserving fruit.

687. It is a misfortune, is it not, that foreign fruit should be sold at a low price in your market as having a tendency to decrease the price of your fruit?—It is inferior fruit which is sold at a low price, whether foreign or not. Unsound fruit should all be destroyed.

688. But although you think that a disadvantage, you do not propose, do you, to deal with it in any way?—Except in marking the preserving fruit.

689. You do not propose any mode of dealing with fruit that is not preserved, do you?—No; except what is partially preserved and subsequently mixed.

690. If it has any sugar or is in any way preserved, would you apply your label?—Yes.

691. But not if simply put down on the counter as raw fruit?—No, I would leave it perfectly free.

Earl *Stanhope.*

692. Has it ever recurred to you that if you brought these fruit growers under a system of licensing, then warehouses would be subject to inspection?—I suspect we cannot go into the county of Glasgow and interfere.

693. I am putting them on the same footing as brewers, tobacco salesmen, and so on in the shape of licensing them. The Food Adulteration Act is of no use in Glasgow apparently?—No, not so far as our trade is concerned.

694. If you procured the licensing of these jam makers in Glasgow, as a matter of course inspection would follow of the material they used,

Earl *Stanhope*—continued.

used, would it not?—Yes, I think your way is a good one, and is a way in which you could meet our grievance.

695. Do you think it is worthy of consideration?—Yes.

696. It would be following what is done in many trades, like public-houses, and so on, would it not?—Exactly; you are right there. The idea is new to me, and I think it is the only way of meeting it. It should be under Government inspection.

Earl *Stanhope*—continued.

697. And on the whole do you think the other gentlemen who have given evidence with yourself would be in favour of such a proposal?—Yes, I think that is all we want; we are not asking for protection, but we simply ask you to prevent unsound fruit, foreign fruit, being mixed up with our own fruit and being sold at as high a price.

The Witness is directed to withdraw.

Mr. JAMES COLES, called in; and Examined, as follows:

Lord *De L'Isle and Dudley.*

698. Do you live near Maidstone?—Yes.

699. Are you a large fruit grower?—Yes. I own a good deal of land besides what I farm myself, which is between 20 and 30 acres.

700. Do you grow mixed fruit?—Yes.

701. Have you heard the evidence as to empty baskets going to France, and coming back filled with foreign fruit, which has afterwards been sold in Covent Garden, in conjunction with our own fruit, as English?—Yes.

702. Is that the case?—I believe it to be so.

703. Is that very injurious to the English trade, do you think?—Yes, I consider it so.

704. No salesman, I suppose, deals exclusively in English fruit, does he?—I should hardly say so; not one doing a large amount of business.

705. That is a thing which is almost impossible, is it not?—Yes.

706. A letter, I believe, appeared in one of the Kentish papers with reference to Mr. Berry's evidence; have you read that letter?—I have.

707. That deals with the subject of the labels, does it not?—Yes.

708. The labels are put on to English baskets, which are taken over to France, filled with French fruit, brought back into this country, and sold, undoubtedly, as English fruit?—Yes.

709. They bear a small ticket on them, do they not?—Only a ticket with the name of the consignee.

710. And the consequence is that when that ticket gets removed, and the fruit is sold in the market, it is sold as English fruit, is it not?—Yes.

711. Do you think a remedy for that would be for the baskets to be durably marked?—That would be one remedy, so far as the wholesale trade is concerned.

712. In the letter which Mr. Berry has written, he states that to be an important point, and that all these baskets should be durably marked, not only with a label which is sometimes lost?—The labels are taken off; at any rate they are not there.

713. Have you any experience with regard to tomatoes?—No, except for private use.

714. Did you hear the evidence given with respect to the jam manufacture, do you think it would be a hardship on the jam manufacturer to be called upon to label his jam whether it is made from English or foreign fruit, or from foreign and English fruit conjointly?—I think it

Lord *De Lisle and Dudley*—continued.

certainly ought to be labelled if made from foreign fruit, "foreign"; if made from English, "English"; and if mixed, "mixed."

715. Do you think every customer should have an opportunity, if he wants jam made from English fruit, to be able to get it?—Certainly.

716. Do you think that would be a hardship on the manufacturer?—Not the slightest.

717. But, of course, a great benefit to the consumer, if he wants to get a good article?—Yes.

718. Is there any difficulty about foreign baskets?—I have never had any. I send to the salesman, he sends them with his name on them, and I return them full.

719. Even when baskets have been very scarce, have you ever seen foreign baskets used for conveying English fruit?—No, I have had difficulty in getting English baskets, but I have never seen any foreign ones in that respect.

720. Do you think it would be possible to mark English fruit, that is to say, either wholesale or retail. What is your view about that?—I do not think you could interfere with the retail trade. I think you would be doing more harm than good, you would hamper the trade without doing any corresponding amount of good to us, as growers.

721. Do you think that in the wholesale trade you might well ask to have English fruit, and that there would be no difficulty in labelling it, as to which was English and which was foreign?—No, I think if a basket comes from France, Belgium, or Holland, or other countries into England, it ought to be distinctly marked as coming from those countries and let the buyers distinguish for themselves. Many people have not so much experience as we have. Many people in the wholesale trade would like to know whether they were buying foreign or English, but they do not always know how to protect themselves.

722. Do you wish to make any further remarks to the Committee?—No, I think the matter is summed up in what I have already said.

Chairman.

723. What is this label which you say is affixed?—It is simply the label that we have to put on ourselves, the name of the consignee, the name of the salesman to whom the fruit is consigned.

724. The addressee?—Yes, it is simply to protect them against loss.

725. Does

Chairman—continued.

725. Does that in any way indicate the foreign origin?—No, not in the least.

726. When you said those labels are removed or lost, you seemed to insinuate that in that way the purchaser was, in some way, deceived?—No, not in the least, I did not wish to insinuate anything of the kind.

727. It is a fact, is it not, that the late frosts in Kent have considerably damaged the prospects of the crop?—Yes.

728. Is that likely to produce a proportionate demand for foreign fruit in the absence of English?—Certainly.

729. Is it your anticipation that the evils you are speaking of now may be aggravated by reason of the shortness of the English crop?—I do not quite follow your Lordship there; I do not see that they will be aggravated particularly. Of course the buyers will go abroad to buy their fruit to fill up the vacuum caused by the smallness of our crops.

730. If there is any truth in what was said by the former witnesses, that foreign fruit is not so good as the English fruit, it follows, does it not, if the English crop is short, the jam which will be made will have to be made largely of foreign fruit?—Yes.

731. When you advocate the marking of this foreign fruit, is there no danger, do you think that when the people come to know that foreign fruit is fairly good and they can get it cheaper, they may demand the foreign fruit rather than the English?—We can stand that competition.

732. That is a thing you are not fearful about, is it?—No.

Lord *Monkswell.*

733. You say you want to protect the wholesale dealer, but the wholesale dealer is, I suppose, or ought to be, an expert?—I do not wish to protect him; that was not my contention. I say he is quite capable of taking care of himself, only I think it is a deception to send fruit here in English baskets, to be sold side-by-side with English. Let it stand on its own merits.

Lord *Monkswell*—continued.

734. Still, it is a deception which does not deceive the wholesale dealer, is it not?—Not exactly, but some middlemen might not know exactly what they are buying; a man dealing largely would be able to protect himself.

735. I understand that the only provision you would insert would be a provision affecting the wholesale dealers, not the retail trade; is that so?—Quite so.

Lord *De L'Isle and Dudley.*

736. On the question of the label, the label, when it is placed on any fruit, is a little bit of paper, is it not?—Yes.

737. And it is very easily removed, is it not?—Yes.

738. Therefore the basket would pass most likely as English, would it not?—Yes.

739. You would like to see it marked in durable letters on the basket itself, which could not be moved, would you not?—Certainly. When a basket is taken into market the ticket is placed underneath the stick, and a man looking inside the basket moves one of the sticks, and the ticket flies away, no one knows where. I did not mean to say there was any fraud in moving it; it is simply lost and gone; but the name of the basket remains.

740. The label goes with the sticks and straw, does it not?—Yes, directly you open the basket the ticket is gone and lost.

Lord *Lawrence.*

741. Do you mean you would like to see the basket branded?—Yes.

The Witness is directed to withdraw.

MR. GEORGE SHAW SCOTT, called in; and Examined as follows:

Lord *De L'Isle and Dudley.*

742. Do you live at Offham, near Maidstone?—Yes.

743. Are you a large fruit-grower yourself?—Yes.

744. Did you hear the evidence of the last witness?—Yes.

745. Have you heard of the empties being sent over to France and coming back laden with foreign fruit, and competing with you in the market?—Yes; that is the case. The salesmen from the various markets in London send their baskets on to the Continent, and the baskets are filled there with foreign fruit, brought back on to the London markets and sold at the same time as our own fruit produced in this country, packed in similar baskets—as English fruit.

Earl *Stanhope.*

746. Have you seen that done?—I have been told by a salesman himself that he has repeatedly sold it as such. It has become now the custom of the trade.

Lord *De L'Isle and Dudley.*

747. Many dealers come from the Midlands, do they not?—Yes.

748. They are anxious to get English fruit, are they not?—Yes; we find in the Midlands they are becoming very suspicious of our fruit, because a lot of fruit is sent there which is inferior, and naturally we infer that it must be foreign.

749. Does that interfere with the sale of good English fruit?—Undoubtedly.

750. Do you think it would be a great hardship if a man were called upon to state what he is selling, honestly and straightforwardly?—My contention is, as to all fruit that comes into this country, that the name of the place where it comes from ought to be distinctly marked on each package, and as to all jam sent from the jam factories, if made of foreign fruit, that it ought to be stated distinctly what it is made from. If it is made from foreign fruit, "foreign"; if English, "English"; and if mixed, a "mixture." Being a large fruit-grower, and occasionally going into the

Lord *De L'Isle and Dudley*—continued.

the north, I have had fruit, at my friends' houses, placed before me which I know at once from the flavour is foreign. But they, having paid extravagant prices for it, naturally come to the conclusion that it is the best English.

Chairman.

751. Are you speaking of jam or fruit?—Fruit.

Lord *De L'Isle and Dudley.*

752. There is no large salesman who deals exclusively with English fruit, is there?—No, they all sell foreign fruit; in fact, it is becoming now quite a large branch of their business.

753. Have you read the letter of Mr. Skinner, who is a large salesman in London, with respect to the evidence given by Mr. Berry?—Yes, the letter to a Maidstone paper, "The South Coast Gazette." He objected very strongly to Mr. Berry's evidence, and I believe he stated that foreign baskets occasionally when there was a large glut of fruit were sent into Kent for the purpose of packing fruit in. That is most incorrect. I have never yet had a foreign basket sent to me to pack fruit in. All the baskets I have received have been of the ordinary English make with the English salesman's name on them.

Earl *Stanhope.*

754. Do you supply your own baskets?—No, there is very little of that done. Years ago the growers used to supply baskets, but they got dispersed all over the country and there was difficulty in getting them back again. Now the salesman supplies them.

755. And you get less rather for your fruit, I suppose?—Yes, that is so; still the loss of baskets was so great that we find the present plan works better.

Lord *De L'Isle and Dudley.*

756. And even where there has been a glut of fruit, you have never known these foreign baskets used?—No.

757. Do you know anything about tomatoes?—There are tomatoes grown in my neighbourhood. I am not a grower myself. Some time back I saw some tomatoes offered for sale in a shop which were described to me as English. I had my suspicions, knowing the look of an English tomato, and the way in which they were packed, so I picked up a package, examined the basket at the bottom and found on it the name of a small place in the south of France. I pointed out to the woman who was offering them for sale that I did not know such a place in England, and asked her if she did, and she said "No"; but she had previously to that assured me that they were English. Again, my Lord, I often notice here French cobs, for instance, marked in some of the principal shops in the West End and the City as English. That is most unfair upon us. The French cob is vastly inferior. If either of your Lordships doubt my statement, I shall be very pleased to send you a small package of English cobs on condition that you buy a package of French cobs and compare them.

Chairman.

758. Can you tell the Committee what the label which you saw on the cobs was exactly?—"English cobs, 1*s.* per pound."

Lord *De L'Isle and Dudley.*

759. Do you think there would be any hardship on the manufacturer if he were called upon to distinctly mark on the jam whether it is made from English fruit or foreign, or the two combined?—None whatever; and I contend that the public would know then better what they were buying. Take black currants; foreign black currants, as a rule, are inferior to the English. If the British public are buying black currant jam, and giving the same price as for English, they ought to get English. I was told by one of the salesmen in the London markets last season that he had a consignment of foreign black currants which he offered to the agent of a leading jam manufacturer in this country as foreign, but he declined to take them. Early the following morning he emptied them into English baskets on his own premises, again offered them to the same agent, and sold them to him at an advanced price as English.

Lord *Lawrence.*

760. That does away with the benefits of the marking of the baskets, does it not?—Of course, it is a scandalous thing that such a thing should be allowed.

Lord *De L'Isle and Dudley.*

761. There are four markets in London which you use, are there not. Covent Garden, Spitalfields, Farringdon, and the Borough?—Yes.

762. Do the same rules apply to all those?—Yes.

763. And the same sort of fruit is sold at all, is it not?—Yes.

764. Is there any difference in the market?—No, excepting on occasions we send our very choicest fruit to Covent Garden, but taking them all round we find the other markets do almost as well.

765. If one wanted English fruit, I suppose you would go to Covent Garden, thinking you would, perhaps, get the best and the highest class of salesman?—I should hardly like to say that. I am perfectly satisfied that in the West End you get foreign fruit quite as much as in the East End.

766. Frequently what is foreign fruit is sold as English very much to the detriment of the English grower, and also to the detriment of the public, who want a good article, I suppose?—Yes.

Lord *Stanhope.*

767. What fruit do you send to the Midlands?—Principally strawberries and sometimes cherries. Cherries sell pretty well in the Midlands and the North. I occasionally send to Glasgow, but I find that the carriage is so great that in the long run I can do better in the London markets.

768. Lately have your sales fallen off?—Yes.

769. Is that due to the foreign competition?—I attribute it myself very much to the foreign competition.

770. We have had it in evidence from another witness that on some occasions fruit bought as

Lord *Stanhope*—continued.

English fruit had been so inferior that it had prejudiced the sale of English fruit afterwards?—I think there is no doubt about that, because under those circumstances I assume it was offered as English fruit.

771. But you, of your own knowledge, have not seen these parcels of fruit coming, have you?—I have seen myself, in Borough Market, fruit consigned from the Continent in English baskets and sold by the English salesmen. I do not wish to convey to your mind that I have been present when it has been sold, but I have seen it received on the spot as a consignment in a similar way as mine is consigned.

772. Are you a member of the Fruit Growers' Association?—No, I am not.

773. Would it not be possible to prosecute in some of these cases under the Merchandise Marks Act?—Yes, I take it it would; but I have my business to attend to, and if every time I come to town I have to run about and give information when I see things improperly marked, I should not be able to attend to anything.

774. I did not mean that you should do so personally, but that a case should be made a test case by the association?—I think you are right there. There is no doubt it would do a good deal of good, but I still maintain, irrespective of that, that the fruit ought to come over in packages, and be kept distinct from ours. Our fruit is loaded on the London and Chatham line; the Continental boats come to Dover, for instance, and the whole of the fruit is rushed into the market just about the same time, so that there is every facility for the foreign stuff to be sold as English.

775. Do you happen to know whether there are ever any inspectors at Covent Garden, or any of these places?—I never heard of it. I assume there are such men employed, but I have never heard of their looking into these matters.

Chairman.

776. I want to know who it is you say, in the first instance, are liable to be deceived by the sale of foreign fruit in these English baskets?—The purchaser, my Lord.

777. The wholesale purchaser?—Yes, in most cases; that is the agent for the jam manufacturer, or the buyer for the large shops.

778. Taking the agent for the jam manufacturer, do you say that he sees these baskets arrive, and his instructions being to buy English fruit, he is liable to be deceived by the fact that this fruit is in English baskets bearing the salesman's name upon them?—Yes.

779. Then he is not as sufficiently an expert fruit dealer to be able to tell from examination of the contents of the basket whether they are foreign or English?—I contend, if you place before me during the season, three half-sieves of black currants, one from Worcester, one from Kent, and the other from the Continent, you would place me in a very awkward fix if you asked me to name them. What I wish to convey to your mind is this: The Kentish sample placed before me might be inferior; the sample from Worcester might be a superior sample, and

Chairman—continued.

that particular foreign sample you might show me at that time might be a trifle superior to the English. But that is not generally the case. Generally speaking, the English fruit is superior to the foreign.

780. The point I want to get your opinion on is this: that under the Merchandise Marks Act any goods coming into this country and bearing a mark which is likely to deceive, may be stopped by the Customs, but I understand that the mark upon these baskets is simply the mark of the consignee; they are his baskets, and as such bear his name?—That is so.

781. Do you think that the existence of that name upon those baskets is calculated to deceive the purchaser?—Undoubtedly, I think I gave the Committee an instance a few minutes ago where a parcel of black currants was offered to an agent of a jam manufacturer to-day in foreign baskets but refused, and the same currants were put into English baskets the next day and sold to the same man as English. That, I contend, is ample proof that even an expert may be misled.

782. Are you aware that Mr. Berry, who is one of the officials of the Kent Fruit Growers' Association, was advised that certain fruit was coming over to Folkestone in baskets, bearing an English salesman's name, that he requested the Customs' authorities to stop them under the Merchandise Marks Act, but that they declined to do so on the ground that they simply bore the name of the addressee?—I have not heard that.

783. Have you any similar case in your mind?—None whatever.

784. Do you say distinctly that if a basket of fruit comes into the London market with the consignee's name upon it, it is sufficient to deceive the purchaser?—Undoubtedly. Of course there might be some classes of fruit that he might be able to pick out under given circumstances, but generally speaking it is impossible to tell. I would point this out to the Committee. Of course here we grow good, bad, and indifferent fruit, but in consequence of a salesman I send my fruit to in the Borough Market doing so much of this foreign business, I had to give him up and go to another salesman.

785. The evidence we have had from Kent and Lanarkshire seems to me to be directed to two different points. I do not understand that you in Kent complain that foreign fruit that comes into competition with yours is unsound and unfit for use, but merely that it is unripe?—It is inferior, and takes the place of our better class of fruit. It is very apparent to me as regards Scotland that the fruit is picked abroad; the stalk is removed, and it is put into these casks in a state of pulp almost. It has undergone no process, but it is put in just the same as it would be put in the utensil used for making jam. There is none of this sort of thing going on in our district; there is nothing of the kind sent into our London markets. All the fruit which competes with us comes into the London markets in packages of some sort or another.

786. Therefore you do not allege, do you, that this fruit is unfit for human food?—No.

787. How

Lord *Lawrence.*

787. How do these salesmen sell to the public; by auction?—Yes, on commission.

788. When they sell by auction do they state what fruit it is; do they always call it English fruit?—Yes, they describe it as English fruit. They have an immense number of packages round them, and from the fact of the salesman's name being on them it is taken for granted as being English fruit. I should tell you that some time back, having taken great pains in packing and sorting my fruit, I had my name printed on my packing paper, so that directly the sticks were removed and the small layer of straw was taken out, there was my name and address. I sent fruit to the London market in that way for some time, but I was written to by one of the leading salesmen of Covent Garden that the fact of my having my name stamped on the paper necessitated his having to shoot all my fruit out of my baskets and repack it. He asked me to desist doing so, and I wrote back at once and said I would close his account.

789. Do you think he wanted to mix it?—Undoubtedly it was not against his interests, my name being on the paper. If Scott's fruit, say gooseberries, get a name in Covent Garden, the buyers would ask for them, and, probably, in getting a higher price he would get a greater commission.

790. Does not that make the probability of marking it very differently?—No; if it is sent in baskets with the place it comes from marked on them.

791. But he might shoot it all, and mix it with other fruit, might he not?—But here was a case in which a man did not want a particular parcel to go into a large lot.

Lord *De L'Isle and Dudley.*

792. The English fruits are, undoubtedly, as a rule, of far better quality than foreign, are they not?—There is no comparison.

793. And, virtually, Kentish fruit ought to get a higher price if sold on its merits, ought it not?—Yes.

794. Therefore they mix it as much as possible, because the greater the sale the better for them?—Quite so.

795. And the sale of Kentish fruit within a narrow limit would interfere with their profits, therefore they wish to put the whole thing under one name, is not that so?—That is so.

Lord *Lawrence.*

796. A witness said the other day that it restricted the sale of his fruit very much, and that purchasers who bought fruits that were not English had given up taking his fruit at all?—I believe the consumption of fruit, in many cases, has fallen off in consequence of the fact that the public have been unable to obtain good fruit. There is lots of fruit exposed in Covent Garden Market that I would not touch, and I am afraid you gentlemen often get it on your tables as choice English fruit.

797. A purchaser not liking it, perhaps, when he did taste it would not buy fruit again, but would go without it?—Yes.

Lord *Monkswell.*

798. Do you mean, then, that the public are deceived, and not that there is no good fruit obtainable?—They are deceived.

799. Surely that is not only sharp practice on the part of the seller, but it is very foolish in his own interests, is it not?—I contend that by selling the quantity probably they make it answer their purpose. The leading salesmen now, in the London markets, not only solicit consignments from us, but a few days ago, for instance, I had a circular from Aberdeen asking me to consign fruit there in no less than five or six different languages.

800. Then your good fruit is very much known and very much sought after, is it?—It gets mixed with foreign and inferior stuff.

801. It gets mixed with the foreign, does it, in order to make the foreign go down?—Yes.

802. Then what happens to the English good fruit?—If it is all put together, we will say 300 packages of English and 500 packages of foreign fruit; a man would naturally give more for the foreign fruit under those circumstances than he would if it was sold by itself. What I wish to convey to your mind is this: If a salesman has a given article for sale, and there is a very little tail, which is an expression we use, hanging to the consignment, the purchasers will give a better price for it.

Lord *Lawrence.*

803. Like the strawberries, the good ones up at the top and the bad ones at the bottom; is that so?—That is so. There is very little unsound fruit, I believe, sent to London. It is an utter impossibility to send it in open packages. Last season I sent some strawberries to a lady friend of mine at Kensington. They left Wrotham, on the London, Chatham and Dover line, by an early train. I wired her, stating they would arrive at Victoria at a given time; unfortunately, the Chatham and Dover Railway neglected to deliver them until 5 o'clock the next evening, and she wrote to me stating that they were absolutely running through the bottom of the basket.

The Witness is directed to withdraw.

Mr. T. F. BLACKWELL, is called in; and Examined, as follows:

Chairman.

804. ARE you the chairman of Crosse and Blackwell, Limited?—I am.

805. We have had a certain amount of evidence given before the Committee with reference to the manufacture of preserves, and it has been stated that a great quantity of fruit is brought into the English markets from abroad, and is shipped, in order that it may arrive in good condition, in an unripe state, and that consequently, it is less wholesome for human food than English fruit,

Chairman—continued.

fruit, which is picked ripe, and sold ripe—is that within your experience?—No, it is not.

806. Will you explain to the Committee what your experience is?—My experience is that many kinds of foreign fruit arrive here as fresh and as wholesome, in every respect, as English fruit.

807. Are you speaking now of berried fruit, gooseberries, and currants, and so on, or of strawberries and raspberries?—I am not speaking of strawberries and raspberries, because they do not arrive in good condition.

808. But the berried fruit does, does it?—The berried fruit arrives in excellent condition.

809. Is there a large amount of soft fruit arriving in this country from abroad?—Do you mean strawberries and raspberries?

810. Yes?—Very little indeed, I should say.

811. Almost all of that kind of fruit which is used in the jam-preserving business then is English fruit, is it?—Yes, nearly the whole.

812. But of the berried fruit a large quantity is foreign, is it?—A proportion is foreign.

813. Are you or the officers you employ able to distinguish between English and foreign fruit when they see it in the market without a mark or label?—I should say not, necessarily; but it is generally recognised in the market on account of the packages.

814. But if the fruit were grown abroad and put into an English package would your agents be likely to be deceived?—It depends as to the fruit, some fruit is so distinctive.

815. Which fruit?—Foreign plums, for instance, are of a distinctive growth, and would never be mistaken for English plums.

816. Is there some fruit that might be mistaken?—It would require a very good judge to distinguish between English and foreign red currants, or English and foreign black currants.

817. How do the prices compare?—Sometimes we have paid more for foreign red currants than we have for English red currants, because they arrive in better condition, and arrive more conveniently for us.

818. As a general rule, is the price of foreign fruit below that of English fruit?—I think not.

819. Is it about equal?—About equal.

820. I presume that it comes into the market, does it not, at a different time to the English?—Yes, it comes rather earlier, generally.

821. And, I suppose, the earlier fruit commands a better price, does it not?—It would, for of course if it came late and competed with English fruit it would not fetch so much money, the market would be rather glutted.

822. Is there any system adopted by the continental growers and shippers in order to get the fruit quickly to the market?—They have express steamers, and they forward by the English railway companies by express trains, so that fruit gathered in the north of France, or the north of Holland, will arrive here as quickly as fruit grown in Kent.

823. So that there is no more necessity then with that fruit to pick it earlier or in an unripe condition than there would be to pick fruit in Kent or other parts of England?—No; I should say not.

824. In the manufacture of jam is the freshness of the fruit an essential element?—The quality and freshness of the fruit is the all-essential element.

825. Then you would not think of making use of fruit, would you, that had been some time on the road?—No, stale fruit would be quite useless to us.

826. Do you mean, when you say stale fruit would be quite useless to you, that it would be impossible to make it up, or that it would be unsaleable?—It would be impossible for my company to make it up.

827. Of course we know Crosse and Blackwell's name is second to none, but I want to know if it would be impossible for any person who wished to make a cheap kind of jam to make it of fruit which was practically in an unsound condition?—No doubt inferior jam can be made from inferior fruit, whether English or foreign.

828. Would it be easy for the ordinary consumer to tell the difference between the two?—Certainly, I think so; the public generally are good judges of quality.

829. There is a distinct difference, then, is there?—I should say so.

830. With your experience no doubt you would be able to tell it, but do you think that is the case with the ordinary housekeeper?—I think most people know a good article from a bad one.

831. I am asking you with respect to preserve, which is a rather exceptional thing, considering that it is boiled, and sugar and other things added to it. After it has gone through the process necessary to make it into jam, is it easy to distinguish whether it has been made with fresh fruit or unsound fruit?—I think it would be.

832. It has been alleged in this room that not in London but in some parts of England a quantity of jam is made from unsound fruit, which is practically injurious to health, although I do not know that any evidence has been given to show a case of injury to health. Is such within your knowledge?—It is not within my knowledge.

833. What are the principal fruits imported from abroad?—Red currants, black currants, cherries, plums, greengages, and in a partly manufactured form, apricots.

834. Does your company buy these fruits in the London market, or do you contract for them with growers abroad?—We contract with the growers abroad through their agents in London.

835. Then you know perfectly well that it is foreign fruit, and it comes direct to you from abroad?—Certainly.

836. Is there any system of inspection, or are any visits paid by the inspectors under the Food and Drugs Act to your premises, or with regard to the fruit before it reaches your premises?—I have never known any inspection of the fruit upon our premises; whether it is inspected upon landing I cannot tell you. We inspect it upon delivery, of course, and should reject it if it was inferior.

837. Does it come in open baskets or sieves, or in barrels?—It comes in open baskets. The foreign fruit, speaking generally, either comes in open, foreign-made baskets, or, in some cases, and in many cases, really it comes in the English agents'

Chairman—continued.

agents' baskets, which are covered baskets, in order that it may arrive in better condition.

838. The English agents send their baskets out to the Continent to be there filled, do they?—They do, because their baskets are much stronger; the fruit arrives in much better condition, and, further, there is the saving of a new basket which is nearly valueless when it reaches England.

839. Do those baskets come into the market, and are they sold to anybody, or are they consigned specially to you?—Those we receive are consigned specially to us, but, of course, large quantities are sent direct to the markets.

840. Also in baskets bearing the agent's name, are they not?—Yes, or bearing their mark.

841. Would you say that there would be a possibility of the buyer in the open market being deceived as to the origin of that fruit?—I should think not.

842. You think not, do you, from its quality?—I should think not.

843. Does any of it come in casks?—None of the fruits that I have mentioned; I believe that the cheaper raspberries and strawberries that come do come in casks, but I do not know anything about that. We never buy anything but English raspberries and strawberries.

844. Are the baskets in which they come open baskets, and can they be easily inspected?—Very easily. The foreign basket is an open basket covered with paper or fern, or something of that kind, and the inspector can at once see the condition of the fruit. The English baskets are often covered baskets, but tied down with pieces of string which can be easily removed and the contents inspected.

845. But you have no knowledge that the Food and Drug Inspectors ever do inspect these baskets, have you?—I have no knowledge of it at all.

846. Then it has been suggested that inasmuch as a certain amount of preserve is made in England from fruit which is not in good condition, it would be in the interest of the public that preserve makers should be compelled to label the pots of jams with the words "home grown" "partly home grown," or "foreign grown fruit," as the case might be; would that be a difficult and a vexatious imposition?—I think it would be a difficult and vexatious arrangement, and I think further it would not attain the object, which is, that of the quality of the fruit.

847. Will you say, first of all, why it would be difficult and vexatious?—Because a great deal of the fruit during the season is put down in bulk, afterwards filled into small packages, and it would be exceedingly difficult to separate the English from the foreign. The two are often worked up together, and when they are so worked up no one can tell the difference, one from the other.

848. Then you think that the difficulty would arise in your distinguishing the two classes of fruit, do you?—Yes, when once it is put away.

849. In what way would it be vexatious?—I think it would be extremely troublesome and vexatious to be hindered in one's operations in

Chairman—continued.

distinguishing between two different classes of fruit.

850. You have a label, I presume, burnt into your gallipots, have you not?—No; it is not burnt on to the pots, but we put a label on the pots.

851. Would it be vexatious to add words to that label?—It would be very difficult. I do not know who would be able to determine whether it is English or foreign fruit.

852. But, supposing you put "mixed fruit," and I understand that most of yours is mixed, is it not?—It might be mixed or it might not.

853. Would it be a matter of extreme difficulty to ascertain whether in any particular vat any foreign fruit had been put in or not?—Yes, very often it would.

854. Then you say it would not attain the result desired, do you?—I do not think it would, because very often foreign fruit is better than the English fruit.

855. That is to say, that the public might be misled as to the quality of the article, might they not?—Not at all, because they would judge that for themselves, but the fact that it was labelled "home-grown" fruit would not mean that it was the best fruit.

856. But still, to those who are so patriotic that they would refuse to eat anything which was not grown in England, it might guide them?—It would guide them, but unfortunately it would guide a much larger class who, if they found the foreign fruit was slightly cheaper, according to my experience would demand it.

857. Is it a fact that preserve made from foreign-grown fruit can be made cheaper?—Not always.

858. But made from an inferior kind of fruit it distinctly can, can it?—Of course inferior fruit, whether English or foreign, is always sold cheaper than the better class of fruit.

859. And therefore some people who are not particular as to quality might demand the cheaper foreign-made preserve, might they not?—There is always a class of consumers who put price before quality.

860. We were told by a witness not long ago that the late frost this year has had the effect of very nearly destroying certain kinds of fruit in England. Is that likely to affect very largely the importations from abroad. Will you yourself be obliged to make larger contracts abroad than you otherwise would?—We shall certainly be obliged to secure our supplies by ordering foreign fruit earlier in the season than we otherwise should do. That will not apply to raspberries and strawberries, because, as I have said before, I have never seen any foreign raspberries and strawberries that are of sufficiently good quality to make good jam.

861. Do you know at all whether any inspection is carried out by the inspectors under the Food and Drugs Act at any stage of the transit of the fruit?—I have no knowledge of it at all.

Lord *De L'Isle and Dudley.*

862. Did I understand you rightly that you purchase the whole of your foreign fruit abroad, and that it is consigned direct to you, passing through no other hands?—It passes through the

Lord *De L'Isle and Dudley*—continued.

hands of the London agent. We buy it through the London agent; it does not go through the market at all.

863. I also understood you to say that you can always tell the packages in which the foreign fruit is sold. Did I understand you rightly?—Yes; when in the foreign package.

864. We have had it in evidence here that English packages are sent over and a great quantity of fruit is put into them, brought to either Dover or Folkestone, passed along the Chatham and Dover Railway, gets thoroughly mixed with our English fruit as it passes the various stations, and is again mixed by the sellers and salesmen, and all this fruit is sold under the name of English fruit. Have you any knowledge of that?—As far as my knowledge goes, which may not be worth much, I should say that it is decidedly untrue.

865. The evidence which we have had, which I think is very good evidence, is very much against your last statement. We have evidence that that is the case and that it is frequently done?—I should think that it was almost impossible that it could be done in transit.

866. Perhaps you misunderstood my question; I said it was not changed from the basket, but that the baskets get mixed with the English baskets, and it is all sold collectively (none having been opened, I grant you) as English fruit?—Then upon that statement I do not think that it is possible or likely that they are mixed in transit, because the fruit that is landed at Folkestone and Harwich comes up by special quick trains to London, and the trains frequently stop nowhere between the port and London.

867. That is not the evidence of Mr. Berry, or Mr. Wood, or Mr. Vinson; they all stated that it came to the different ports and passed several stations on the South Eastern and Chatham and Dover lines, and there the English fruit is put in, so that it gets, as it were, into the same carriages with the English fruit; then is conveyed to the salesman, where it is again placed conjointly with English fruit and sold publicly by auction as English fruit; that is the evidence we have had?—I can only say, from my own experience, that during the season we buy large quantities of fruit on the markets, and I never remember having bought English fruit and foreign fruit mixed together.

868. Not mixed in the same packages?—No, nor in the same parcels.

869. But with the same baskets touching each other?—No; I have never known a delivery of English fruit on the markets containing a proportion of baskets with foreign fruits, nor have I ever known deliveries of English fruits made containing a proportion of foreign fruits in the baskets.

870. The evidence is very much against what you stated. It goes to show that English and foreign fruits are sold side by side at all times, and that it is almost always denominated English fruit?—That is quite contrary to my experience.

Marquess of *Huntly*.

871. I understand you to say that you thought that inspection at the port of landing of packages would be easy to carry out; is that so?—I do not think I made any statement of the kind, but I do not see why it should be difficult.

Marquess of *Huntly*—continued.

872. I thought you said that these hampers were easily opened, did you not?—Yes, they are quite easily opened.

873. And the fruit could be inspected, could it not, at the port?—Yes, or anywhere, for that matter.

874. But inspection at the port of landing at night time would be difficult, would it not? It would be difficult at night to decide whether the fruit was good or not, would it not?—It would be no more difficult there than anywhere else.

875. Do you advocate inspection of the fruit at the port of landing, or at the factory?—I have no objection to either for that matter.

876. Because it seems, from the evidence we have had to-day, that it would be far better to have inspection of the article that was taken to the factory?—Yes.

877. You have no objection to that, have you?—Not the slightest.

878. Then it comes to this, that you would have no objection to all fruit that was delivered into England, if it was labelled first of all as foreign fruit, and if it was carefully examined at the factory so that the public would be protected against the use of any article which was unfit for making jam?—I have not the least objection; it would be to our advantage sometimes. It would not be generally against the foreign grower, but against the English grower.

879. I understood you to say you were not aware of any systematic inspection of foreign fruit taken to the factory, did you not?—I am not aware of any.

880. That seems to be great neglect on the part of the inspectors, does it not?—Do you mean the factory inspectors or the food inspectors?

881. The food inspectors?—I have never known food inspectors come into our factory at any time; whether it is their duty to do so or not, I do not know.

882. Then it seems to me that the local authority charged with carrying out the Food and Drugs Act have neglected their duties, have they not?—It may be neglect on their part, but I have never known them to visit our factories.

883. Of course, in well-managed establishments like yours you would never think of using any fruit which has been stigmatised by one of the witnesses as "rotten fruit," would you?—No; we reject every year certain quantities of fruit that comes from various quarters, because we do not consider it fit for use. We communicate with the senders in England or abroad and await their instructions. Very often it is taken to the markets and sold, but who to I cannot tell you.

884. Then if the law was not stringent enough at present you would approve of the law being made more stringent, so that all fruit delivered at a factory should be, if desired, inspected by an inspector and condemned if not fit for making jam, would you?—I should certainly.

885. Then

Lord *Lawrence.*

885. Then it comes to this really, does it not, that you have no objection to inspection but to marking?—I object to being called upon to mark from what particular place the fruit has been collected.

886. Do you think it is impossible to do so?—I think it would be extremely difficult and very troublesome to do it.

887. In the sales by auction, as a rule, does foreign fruit sell at about the same price, if it is as good as English?—Yes, if it as good as English.

888. Independent of whether it is English or foreign?—I do not think it would make any difference. Take the particular instance of plums. I consider that foreign plums for jam-making are better than English plums, for this reason, that you can make a contract for a thousand tons for foreign plums; they will be all delivered of exactly the same kind spread over a certain period; they will come in perfectly good condition as a rule, whereas if you go into Covent Garden Market, or any other market in London to buy English plums, if you wanted to buy a hundred tons you would get twenty different kinds, some good, some bad, some indifferent. There are a variety of plums, some of which fetch a very high price, quite out of the reach of jam-makers, because they are dessert fruit.

Lord *Monkswell.*

889. I understand you to say that a label on raw fruit would be absolutely of no use to you, as you simply go by the quality?—Exactly.

890. And you consider it would be of very little use to the public?—I fancy so.

891. You have told us that you do not believe that foreign and English fruit gets mixed up, and you said, did you not, that you have never found such an instance happen in your own establishment. How can you tell that a basket contains English or foreign fruit?—I think we could tell from our experience.

892. Do you think an expert might tell?—I think so.

893. And do you say from your experience that you are certain that foreign fruit and English fruit is not mixed?—Yes.

894. And that when you get a basket purporting to be foreign fruit, it is foreign fruit, and when you get a basket of English fruit, it is English fruit?—Yes.

895. Have you known an instance to the contrary?—I have not.

896. And you would naturally, I suppose, pay some attention to that circumstance, would you not?—Certainly; it is part of my business during the fruit season to see the fruit which is delivered.

897. But if it is of a certain quality, would it occur to you to be very particular as to finding out whether it is English or foreign fruit?—I do not quite understand the question.

898. When the fruit comes to you, you would naturally want to know if it were of a certain quality?—Certainly.

899. Supposing it were up to that quality, would you care very much if you had reason to suspect that a basket of fruit which was sent to you as English fruit was foreign fruit?—We should raise the question, but I have not in my mind at the moment any case of the kind.

Lord *Monkswell*—continued.

900. That is to say, you look at these baskets sufficiently to be sure in your own mind that they are what they purport to be, whether English or foreign, do you?—Exactly.

901. And you have never had any instance in which your suspicions have been raised?—No.

Lord *De L'Isle and Dudley.*

902. Does not English fruit, perhaps, with the exception of plums, make in ordinary cases, and in most cases, better jam than foreign fruit?—No; I should say not; I might say this: that taking our own particular case, we use quite three-fourths of English fruit the whole year through.

Chairman.

903. I should like to ask you with reference to some evidence that has been given before this Committee, how far you agree or disagree with it, with reference to what the noble Lord asked you just now as to the mixing of the fruit. This is the evidence which has been given which is not perhaps quite in accordance with the question put to you. Mr. Berry said: "But there are salesmen in London who have bought at auction purely foreign packages, and have taken them into the cellars underneath the market, and have there tipped them into English packages, and brought them up and sold them at a very handsome profit; they have palmed them off as English fruit." Then he went on to say in reply to this question: "(*Q.*) The only person they would be calculated to deceive would be the jam-makers, to whom the broker was going to send them?—(*A.*) That would be so chiefly." As a large jam-maker do you believe that to be possible or likely?—I have never known of it. It may have been palmed off on to us, but not to our knowledge.

904. Have you never detected it?—No.

905. Then another witness was asked: "With regard to jam-making, you think there would be no objection on the part of jam-makers to put outside the jam-pots 'made from foreign fruit'?—(*A.*) I think I can go further than that; I think I can say for some of the principals in the trade they would only be too pleased to do it. (*Q.*) Say Crosse and Blackwell, for instance?—(*A.*) There is not the slightest doubt that Crosse and Blackwell, with their great reputation, would do it from the first." You do not agree to that?—I do not agree to that.

Marquess of *Huntly.*

906. I understood you to say that there were certain fruits which you rejected and which you complained of which were produced for sale afterwards?—Yes.

907. What is the custom as to that; is it rejected absolutely or accepted at a lower price?—No, it is rejected absolutely. Our custom when fruit is delivered, which it generally is about five or six in the morning, and we find any which is undesirable or unsuitable, is to telegraph to the grower to remove it.

Marquess of *Huntly*—continued.

908. Is that at the growers' risk ?—Yes.

909. And they take it away from your premises, do they ?—Yes.

910. Do you know what becomes of it?—I have no knowledge what becomes of it.

911. It is probably sold in the market at a lower price to someone else, is it?—It may be.

Marquess of *Huntly*—continued.

912. So that probably you take the pick of the market and the remainder goes to someone else, does it ?—We try to get the pick of the market.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next at Twelve o'clock.

Die Lunæ, 11° *Junii*, 1894.

LORDS PRESENT:

Earl of ONSLOW.
Lord RIBBLESDALE.
Lord MELDRUM (*Marquess of Huntly*).
Lord DE L'ISLE AND DUDLEY.
Lord BELPER.
Lord LAWRENCE.
Lord WIMBORNE.
Lord MONKSWELL.

THE EARL OF ONSLOW IN THE CHAIR.

MR. ROBERT SCOTT is called in; and Examined, as follows:

Chairman.

913. ARE you a member of the firm of Messrs. R. & W. Scott, preserve manufacturers, at Carluke?—Yes.

914. You have probably seen, through the usual channels of information, that certain evidence has been given before this Committee in regard to the quality of fruit used by preserve makers in Scotland, and that the general consensus of evidence that we have had is, that where it is imported from abroad it is not of the best possible quality. Have you anything to say as to that?—May I be allowed to make a short statement?

915. Certainly?—I am a partner in the firm of R. and W. Scott, preserve makers, of Carluke, in the county of Lanark. I may say I have been connected with fruit growing all my life, and for the last 14 years with preserve making. Presently my firm has 60 acres of land under fruit, which is utilised in our business. I should not have been here to-day before your Lordships had it not appeared from the newspaper reports that members of the Fruit Growers' Deputation had included all and sundry of the fruit preserve-makers of Lanarksbire and the surrounding districts in the unqualified and somewhat wholesale charges which they made against the preserve trade when giving evidence before your Lordships on Monday of last week. From information which has reached us through the Press, we learn that the fruits to which the members of the deputation had the greatest and almost sole objection were the two soft fruits, strawberries and raspberries. Now in fairness to my own firm, I wish to take this opportunity of saying that, with one exception, during the whole course of our existence as a firm we have used home-grown strawberries and raspberries, and home-grown only, in the making of our strawberry and raspberry jams, not one pound of those fruits of foreign origin being put into those jams. The exceptional instance to which I refer occurred 12 years ago, when as a matter of experiment we tried one small lot of these

Chairman—continued.

fruits. While we did not consider it exactly unwholesome, we thought the jams produced not of sufficient quality for the first-class family trade we have all along endeavoured to cultivate. I do not say that my firm is the only exception in the matter of using home-grown fruit. As a matter of fact no firm with a reputation to uphold would use foreign fruit to the exclusion of home-grown; and I would remind your Lordships that, speaking generally, Scotch preserved fruits occupy a very high place in the markets of the world. The witnesses who appeared before you last Monday on behalf of the fruit-growers of Lanarkshire committed one or two exaggerations to which I think it is only fair that I should call your attention. For instance, one of the witnesses mentioned that it took five days for fruit to come from Rotterdam to Leith, while in reality 36 hours is the average sea passage, with possibly an hour or two added when the tides do not suit, and a like time for the transit of goods to the port of shipment. One of the witnesses also said that the steamers arrive on Saturdays. As a matter of fact they arrive on Mondays and Thursdays, when at the latest the fruit is in the market or in the hands of the preserve makers the following days. One witness drew attention to what he said was a matter of unfair action on the part of preserve makers in labelling their pots "home-made." We ourselves never do it, except in the case of home-made marmalade; and no one would fancy that thereby we claim that the oranges with which it has been made are grown in Scotland or England.

Lord *Belper.*

916. Then what do you mean by "home-made"?—We mean made after the home-made principle.

917. What is the home-made principle?—The peel is cut up and the pulp is strained and the juice taken from the pulp is boiled along with the cut peel, just as is done at home.

 918. Then

Lord *Belper*—continued.

918. Then when you describe it as "home-made" you mean it goes through some process which you understand, but which is not explained to any of the purchasers?—It is to distinguish it from what we call Scotch marmalade. In the case of Scotch marmalade all the pulp is added.

Chairman.

919. By describing it as "home-made" you mean it is made in the same way as a housekeeper would make it in her own house?—Just so.

Lord *Belper.*

920. I understand that; but so far as the public go the public no more understand what "home-made" means than they do in other cases where the same words are employed and mean "home-grown"?—The term is used merely to distinguish between Scotch marmalade and what is made after the home-made principle.

Chairman.

921. Will you continue your statement?—That is the end of my statement.

922. It was stated by one of the witnesses here that a very large quantity of soft fruit in a bad condition comes over to Scotland, especially to Glasgow, sometimes as much as 600 or 700 tons being carried in a single ship?—Undoubtedly a very large quantity comes over in casks.

923. To what purpose is that applied?—I can only speak from hearsay, because, as I said before, there is only one instance in which we have used it ourselves, and not very successfully.

924. We are told that this fruit comes over in a soft and pulpy condition to Scotland, and must be sold for some purpose. I ask you, as having a large experience of the fruit trade in Glasgow, what in your experience becomes of that fruit?—I must say I think it is made into jams.

925. But not by you?—Not by my firm.

926. We were also told that although a very small quantity of soft fruit was used, a very large quantity of currants and gooseberries imported from abroad are used by the best makers of jams in the trade; is it your practice to use the harder-berried fruit?—If we cannot get the proper supply at home we sometimes use black currants. But our practice is to buy at the beginning of the season; the first parcels are almost invariably good because they come over not fully ripe and in very much better condition.

927. They come in earlier, I suppose, than the English-grown fruit or Scotch-grown fruit?—It depends altogether on the season.

928. Does it sometimes happen that the English comes before the foreign?—I should not say exactly before, but about the same time.

929. How does the price compare, which is the cheaper?—Undoubtedly the foreign is the cheaper.

930. A proposal that has been made to this Committee by several witnesses is that every barrel or basket of fruit coming from abroad should be marked with the place of origin, and that the marking should not be carried any further; that is to say, after it reaches the hands

Chairman—continued.

of the retail dealers the mark should cease to be applied; are you in favour of that suggestion or the reverse?—My own opinion is that if it was marked simply as for the public market it would be sufficient for all purposes. So far as I understand the promoters of the Bill are quite willing to allow it to go no further.

931. What I want to know is, are you sufficiently experienced to be able to judge whether the fruit is foreign or English without any mark upon it?—Certainly not, unless it is in the original packages.

932. Then it is not the fruit that you judge by, but the package?—The package.

933. You might be misled if foreign fruit were put into an English package?—Most undoubtedly.

934. Would that be the case with foreign soft fruit?—No; almost invariably, so far as we are concerned in Scotland, the foreign fruit is put into foreign baskets.

935. That is not the question I was putting. What I asked was, would you be liable to be misled if you found foreign strawberries or raspberries in English-made and English-marked baskets?—That would not apply to raspberries and strawberries, because they would not stand to come in in baskets for preserving purposes.

936. If they were put in packets and marked with English marks, would you be able to distinguish them without looking at the outside of the packet; would you know the foreign fruit without any indication on the packet?—It would depend altogether upon whether the home fruit has the same usage in transit. Foreign fruit comes in a very pulpy condition, whereas home-grown fruit, having a shorter transit, comes much more whole.

937. Do you mean that pulpy foreign fruit would be indistinguishable from pulpy home-grown fruit?—Exactly.

938. As to the proposal which has been made to the Committee that all manufacturers of preserves should be compelled to mark the pots containing jams with the words "home-grown" or "foreign-grown," would that, in your opinion, be a great hardship?—I do not think it would be any advantage; and I think it would be a great hardship to us, because we use home-grown only.

939. Will you explain why it would be a hardship?—Because unscrupulous makers would label their pots "home-grown," and who is to tell the difference; no expert could.

940. You say that once turned into jam there is no possibility of testing where the fruit is grown?—No possibility.

941. Have you any suggestion to make by which your interests could be served?—I should suggest that all packets be marked with the country of their origin, and a Government inspector appointed, because I think the appointing of local inspectors is really a farce at the present time.

942. When you say "local inspectors," you mean by the county authority?—Yes.

943. You find fault with your county authority for want of energy in the discharge of their duties?—So far as our firm is concerned we do not know of their existence.

944. Do you know of any case of any unsound fruit

Chairman—continued.

fruit being seized under the Fruit and Drugs Act?—So far as I remember, I do not know of any.

945. Do you agree with some of the witnesses who were here on Monday, that this unsound foreign fruit is unfit for human consumption?—I cannot say from my own experience. There have only been two instances in which we have used the soft fruits, strawberries and raspberries.

946. You do not think it is likely to cause disease or illness?—I do not think so, unless it is radically bad. In that case it ought to be condemned.

947. Fruit, I suppose, is a very perishable commodity; do you think an exhaustive inspection at the port of entry might not so delay the fruit as to make it go bad before it could be put upon the market?—I do not think so.

948. Not even in the case of soft fruit?—I would suggest, however, that fruit of that kind should also be inspected in the public market; I do not think inspection at the port of entry is sufficient.

949. Is it not inspected at the public markets? Have you never seen the inspectors?—No.

950. You do not believe there is any inspection?—There may be, but it is not under my cognizance.

951. Do you think a man may, with impunity, sell fruit that has become completely rotten and mildewed?—He may under certain circumstances.

952. You do not think he would be afraid to do so for fear of the inspectors, at any rate?—So far as I know he has no occasion.

Lord *Ribblesdale.*

953. Have you never observed any notice in the papers of somebody being had up for selling vegetables or fruit not fit for food?—The last instance I saw was in London in respect of some oranges.

954. I mean in Scotland; have you never seen such a thing in Scotland?—Not so far as I remember; there may have been small retail cases which I have not noticed.

Marquess of *Huntly.*

955. Are you in the county of Lanark?—Yes.

956. Are you under a borough or a county authority?—A county authority.

957. Are you in north-east Lanark?—South Lanark.

958. Is it not the duty of the Public Health Committee to see that the sanitary inspectors carry out their duties under the Sale of Food and Drugs Act?—I understand so.

959. At all events you do not know whether they do so or not?—They do not come in about us at all.

960. Some evidence has been given to the Committee that sometimes after good firms have refused parcels of fruit as not being in good order, they have been sold to other firms at a lower price and still made into jam; would not a system of careful inspection at the factory prevent that?—I think in most cases that fruit would never leave the railway station; the consignee would refuse it at the railway station, and it would go back from there.

Marquess of *Huntly*—continued.

961. Do you mean that the inspector would seize it?—I mean that the consignee would refuse to take it owing to its being in a bad condition.

962. I am pointing out that we have had it in evidence that parcels of fruit have very often been received not in good order, and have been worked up probably by inferior firms into jam; would you advocate such a system of inspection at the factory that when any fruit was received on the premises the inspector could condemn it?—Most assuredly; I do not think any firm of repute would at all object to that.

Lord *Belper.*

963. I understood you to say that as regards the marking of fruit that came from abroad you thought it would be sufficient if it were marked for the wholesale market, and that it would not be necessary in the retail market, and then I think you added that the promoters of the Bill were quite willing to accept that; what Bill do you mean?—I mean the Bill introduced by Mr. Hozier.

964. I think we can hardly take it that that is the case, in regard at any rate to a good many of the supporters of the Bills, because, as I understand, the Bills refer to the marking of produce for the retail market just as much as for the wholesale market?—It may be so; I do not lay any particular stress upon that point.

965. I mean that is not to be taken as a matter agreed upon?—I did not mean to put it in that way.

Lord *Lawrence.*

966. Your contention is that a public inspector is necessary, not a local inspector?—Yes.

967. You are not satisfied with the local system, or at all events it is a dead letter so far as you know?—I do not think it is at all efficient.

968. Would your proposal be that a public inspector at the port of entry of the fruit should inspect, or have power to inspect, the fruit whenever he thought fit?—I think he ought to have power to inspect whenever he thought fit.

Lord *Belper.*

969. Do you propose to override the powers of the local authority? At present the Food and Drugs Act and the other Acts are carried out by the different local authorities within their own districts. Is it your proposal that those powers should be overridden and that these inspectors should be appointed by the Government and made the Government authority?—In the meantime they seem to be inefficient for the purpose for which they were appointed.

970. You mean in the particular case you know of there has been some neglect?—Yes.

971. And so far as that authority is concerned you think they want sharpening up a little?—So far as the present trade is concerned it appears evident.

Lord *Lawrence.*

972. Do you suggest that it is because they are under the influence of the local authority, who

Lord *Lawrence*—continued.

who may be interested in the trade?—No, I do not think that has anything to do with it.

973. I do not quite understand whether you you are in favour of any system of marking?—Yes, I am in favour of marking.

974. One witness who was examined before you, and who was a manufacturer, was against marking at all; he thought it would be perfectly useless; do you agree with that opinion?—In some cases it might be perfectly useless.

975. I mean marking the packages; of course you cannot mark the fruit?—We cannot mark the fruit at all, merely the packages.

976. Do you think it is useless to mark the baskets?—No, I do not think it useless.

Lord *Monkswell.*

977. I understood you to say that the packages should be marked with the place of origin, because otherwise there might be difficulty in detecting the difference between foreign and English-grown fruit, and that even experts could not tell?—Yes, unless it is a difference of kind, as, for instance, with apples and plums, he might tell the difference between foreign plums and home-grown.

978. On the other hand, sometimes he could not, I suppose?—If the plums or apples are of the same kind it would be extremely difficult.

979. Mr. Blackwell does not seem to be quite at one with you about that; he is asked at Question 871: "How can you tell that a basket contains English or foreign fruit?" and he says, "I think we can tell from our own experience. (*Q.*) Do you think an expert might tell?—(*A.*) I think so. (*Q.*) And do you say, from your experience, that you are certain that foreign fruit and English fruit is not mixed?—(*A.*) Yes." You hardly agree with that?—I hardly agree with that.

Chairman.

980. It is the practice we were told of some of the principal manufacturers to buy their fruit on the Continent; that is to say, to enter into contracts with foreign growers. Is that your practice?—No.

981. Do you think that practice is one that militates against the interests of the trade?—Very much.

982. What would you suggest as the better practice?—We have given up the practice of what is popularly known as "f. o. b." terms, that is, free on board terms, because we found that no matter what the quality of this stuff was when it arrived, and no matter how much it decreased in weight, we were forced to accept it.

983. That is to say, you had no remedy against the grower after it was once put on board?—It would not be the grower, but the exporter.

984. You were obliged to take the risk?—Yes; all the risk of deterioration.

985. You think it would be better if they took the risk as far as the port of landing?—

Chairman—continued.

Yes; and if the preserve makers would buy the fruit upon this side.

986. Is not that rather a matter of arrangement between you and them?—Most decidedly.

987. Do you suggest it should be compulsory?—No; I was pointing out the way in which preserve makers could secure getting their fruit in a better way than they do now.

988. You do not suggest that the Legislature should compel them to do so?—No.

Marquess of *Huntly.*

989. Would you suggest legislation to this length: that where there the fruit was consigned free on board, and arrived in this country in a bad state, it should be inspected at the port of landing, and if it was in bad condition it should be condemned and returned to the consignor; that seems to be fair, does it not?—I would scarcely suggest legislation on those lines, because, as a matter of fact, the remedy is in the hands of the buyer himself.

990. I understood you to say you could not return it if it was consigned free on board?—The buyer cannot return it if it is consigned free on board; but the remedy is in his own hands; he can buy on this side, and get out of the difficulty in that way.

991. What becomes of the fruit that is returned?—The buyer takes the risk if it is consigned on f.o.b. terms; he must make the best of it.

Chairman.

992. I suppose, if it happens to be in a bad condition and unfit for human food, he would probably use the arts which are known to preserve makers to avoid loss by making the fruit, bad as it is, into jam?—I cannot speak to those particular arts.

993. That is a common experience of the trade, is it not; you make the best of it?—We make the best of a bad bargain, undoubtedly.

994. Have you anything you wish to add?—I was just wishing to say that whilst foreign fruit very often comes over in a bad condition, we have also complaints to make even against the home-growers. I think that, whilst hauling us over the coals, they might do very much to add to our profits and to their own by seeing that the stuff they send to preserve makers especially is properly picked and properly cleaned. As a firm we have to appoint dozens of pickers to pick over the fruit, and take out bits of leaves, and take out, say, from the strawberries the parts of the green calyx attached to the fruit which could be all done in the picking.

995. That does not quite concern the subject which this Committee has to inquire into; that is a suggestion you throw out to the growers in their interests?—I merely wish to point it out.

The Witness is directed to withdraw.

MR. HORACE ALFRED DAMER SEYMOUR, is called in; and Examined, as follows:

Chairman.

996. YOU are Deputy-Chairman of the Board of Customs?—I am.

997. The Committee had some evidence at their first meeting from some growers in Kent who were advised that certain packages containing fruit were coming over from the Continent, having upon them the names, I think, it was; I am not sure whether it was the name and address, but certainly the name, of the brokers in London; and they called upon the Customs authorities at Folkestone to stop this fruit, on the ground that it was so marked as to be calculated to deceive; but that the reply made to them, and the reply made subsequently, I understand, from your Board to Mr. Knatchbull Hugessen, the honourable Member for the Faversham Division of Kent, was that the name of a consignee was not, in the opinion of the Board of Customs, such a mark as was calculated to mislead. We should like to know what view the Commissioners of Customs hold upon that subject, if you can inform us?—We do not consider that a mere address mark on the outer package is a mark that comes within the meaning of the Act.

998. You think that mark is there with a view to its arriving at the proper destination?—Yes.

999. But suppose it is addressed with a certain address or label, or mark, and in addition bears painted upon it in large letters the name of the English broker, would you then consider that the object of the name was simply that it might be delivered to the right place?—If there was only the name, there is nothing in the Act that calls upon us to stop fruit, or any natural product with merely the name on it.

1000. You have a wide latitude under the Act, have you not, as to whether in your opinion the mark upon the packet is likely to deceive the purchaser; is not that the general rule that guides you?—To a certain degree; but sometimes there is no discretion. For instance, if we have the name of the dealer on manufactured goods we must detain the packets; we have no option, whether we seize them ultimately or let them go forms a matter of consideration afterwards according to circumstances, but we are obliged to detain them. But the provision as to the name of the dealer only applies to manufactured goods, and therefore not to raw produce, such as fruit and flowers.

1001. You draw a distinction and say that principles that would be applicable where goods are manufactured would be inapplicable where the the goods are sent in in a raw state?—Yes, if it is merely the name of the dealer.

1002. Are you more strict with regard to manufactures than you are with regard to natural produce?—Yes, in that respect.

1003. You look upon the Act as mandatory in the one case and not in the other?—Quite so.

1004. When you are framing your general orders do you take into consideration generally, on the evidence that is brought before you, whether the result is to mislead whatever the intention may appear to be?—We take that into consideration in dealing with cases that are stopped, but it does not apply to the general orders; the general orders are only issued for the guidance of the officers, to tell them what to do. When cases come up before us we should consider, according to the circumstances of each case, whether there was an intention to deceive or not.

Chairman—continued.

1005. Would you be guided in your future action if you learnt that the result of any particular course was to deceive?—Yes, if the Act applies. We cannot where we are advised the Act does not apply.

1006. I am assuming the Act does apply. In such cases where the Act does apply, although you might say in the first instance "It does not appear to me that this is likely to deceive anybody," supposing you afterwards learn that certain parties have been deceived, would that affect your action in future?—It would. To take an instance. Supposing foreign potatoes came over here with the word "selected" upon them, we should stop them as a matter of course, because they bear a trade description in the English language. But we should be guided ultimately as to what we did, in deciding whether we imposed a fine or not, or whether we seized them, on what we heard as to the intention or the effect of putting on that word.

1007. Does the make or nature of the package ever guide you?—Not at all.

1008. You would not feel yourself justified in detaining any article that came over in a basket which was obviously made in England and could only have been made in England?—We have no power under the Act to do so.

Lord *Belper.*

1009. Not even if your attention was called to the fact that this was an imitation of a peculiar sort of basket that had only been used for English fruit before?—No; we have no power to detain it at all on that account.

Chairman.

1010. Have you ever had occasion to detain any fruit baskets or fruit packages?—We have detained parcels of fruit at different times.

1011. Will you tell us under what circumstances?—We have detained apples. We had some apples from Ghent, two years ago, which were marked "selected apples," and we detained those for having an English description on them; we put a fine on, and had the description removed before we let them go. We have had other cases of the same sort. We have had illegally marked tomatoes. The cases have been chiefly vegetables, I think—potatoes, and so on. We had potatoes marked "Scotch selected," coming from Dunkirk; those we seized as bearing clearly a false description.

1012. With regard to goods arriving here for the purpose of being transhipped and sent abroad again, do you put the Merchandise Marks Act in force?—Yes.

 1013. Whether

Chairman—continued.

1013. Whether it is the intention to sell in England or not?—Yes; the law applies equally to goods coming in for transhipment.

1014. Have you found, in consequence, that certain goods that used to come into this country for transhipment have ceased to come in?—We have not found it so in our experience; we have been told that it is so.

1015. You have not noticed any falling-off in consequence of your action under the Merchandise Marks Act?—No, we have not.

1016. Do you recollect the particular case I referred to, which was brought up by Mr. Berry, the Secretary of the Kentish Fruit Growers' Association?—Yes, I remember it.

1017. Since that time has any different action been taken by the Customs Authorities?—No; we have always maintained the same attitude.

1018. Has the Board of Trade cognizance of that case also?—I cannot tell that.

1019. You have had no correspondence or communication with the Board of Trade?—No; we have had no communication with them.

1020. Mr. Berry, in his evidence, implies that you did not quite clearly understand what the point of objection was; but from your answers I understand you were quite put in possession of the facts, but you could not act because of the shape of the baskets, and you did not think the mere name on the package was such a mark as was calculated to mislead?—We did not think it was a mark to which the Act applied.

1021. But could not you deal with any mark that you thought was calculated to deceive?—Yes; we should deal with any mark that was false or calculated to deceive, such as the case I referred to, of an English description on foreign fruit; if the description on foreign fruit were in the English language, we should consider that might be taken as in indication of English growth and stop the package.

1022. Supposing, for instance, if the baskets had written on them, "from Kent," and they were clearly coming from abroad, could you have dealt with that case?—Yes; that would clearly have come within the Act.

1023. You did not consider it was sufficiently clear that the name of the dealer to whom the fruit was sent was intended as a mark of origin? The mere name and address mark we did not consider came within the Act.

1024. With regard to manufactured goods, I understood you to say you would stop manufactured goods with the name of the dealer; but I suppose in that case it would be rather on the ground that it would imply that the goods were manufactured in England from having an English name on them?—In that case we stop the goods, because the Act directly directs us to do so under Section 16 of the Merchandise Marks Act, 1887.

1025. What does the section say?—It says, "All such goods, and also all goods of foreign manufacture, bearing any name or trade mark, being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader, in the United Kingdom, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced are hereby prohibited to be imported into the United Kingdom."

Chairman—continued.

1026. The words are "purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom"; that must clearly imply intention to deceive?—Even in the case of manufactured goods, the name or trade-mark must be applied to the goods. We should not consider a mere address marked on the outer packages as coming within the Act. To come within the Act it must be a mark upon the packets that come to the eye of the purchaser or customer in the shop or market. In a case of that sort we should detain the goods. But if it is merely an address on the outside package enclosing the goods in inside packets, we should not consider that address as coming within the Act, even in the case of manufactured articles.

1027. Supposing you were satisfied that a certain name, such as was put upon these baskets, was the name of a dealer who also has goods from Kent, and was calculated to deceive, would it be in your power to make regulations under which you could stop such baskets coming in?—If the basket had the name of a place in Kent upon it we should stop it now. We have power to do that now.

1028. Would you have power to stop baskets sent in with the name of a dealer in London upon them if you considered it was desirable to do so in order to prevent deception?—No; I think the answer which I gave before would apply there in the same way; that if it is merely an address-mark we do not consider that we have power to stop the packages.

1029. I do not quite understand whether you mean that you have not power under the regulations at present, or whether you mean that you you have not power to make regulations in future to enable you to stop the baskets in such a case?—Some of these baskets have merely a label on them with the address, and others have the name of the man painted round the baskets; they vary a good deal in the way they come in. We do not consider that the name round the basket which brings the gooseberries, or whatever the fruit may be, into England is an illegal mark; these baskets go backwards and forwards, and are sent abroad to be filled and come back again.

1030. Then, am I to understand that under no circumstances would you feel justified in acting in these cases?—Not in these cases, I think.

Lord *Lawrence.*

1031. Do you remember any instance when you have stopped fruit?—We have only stopped fruit, as I say, in cases where there has been a false trade description under the Act, such as the cases I have mentioned.

1032. It has been done?—Yes.

1033. You know of instances yourself?—Yes. I mentioned a case in which we had stopped apples, and we have stopped grapes and one or two other kinds of fruit. But it has been chiefly vegetables, as a matter of fact, that we have dealt with, not very much with fruit.

Lord *Monkswell.*

1034. I do not quite understand upon what you go when you draw the distinction in Section 16 between natural products and manufactured articles.

Lord *Monkswell*—continued.

articles. The words of Section 16 are these: "Whereas it is expedient to make further provision for prohibiting the importation of goods which if sold would be liable to forfeiture under this Act." Under those words I do not quite understand why fruit should not come under the definition of "goods"?—Section 16 provides, in Sub-section (1), that "all goods of foreign manufac ure bearing any name or trade-mark"——

1035. But that Sub-section begins, "all such goods"?—Yes, that is such goods as are mentioned before; that falls under the previous provisions of the Act, such as goods marked with a false description under Section 3.

1036. At all events you have, I presume, had all this question looked into by your lawyers?—Yes, we act entirely under legal advice in these questions.

1037. Has this point come before the Court?—Not this particular point. If we had seized the baskets merely with this address, in the case that has been mentioned to the Committee, we believe our action would not be upheld by a Court; and that is why we could not do it.

1038. Do I understand that your legal advice is, that the expression "goods," in Section 16, applies only to manufactured goods and not to natural products?—No, not at all; fruit comes within the word "goods" as much as anything else. The words "all such goods" applies equally to fruit; but in the particular case with which we are dealing, of fruit bearing the name of a dealer in this country, the words "all goods of foreign manufacture bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom," would not apply.

1039. In fact, you divide the sentence and distinguish between "all such goods" and "also all goods of foreign manufacture"?—Yes, there are two divisions of goods which are prohibited to be imported.

Lord *De L'Isle and Dudley.*

1040. Supposing the name of a London firm is written on a basket containing foreign fruit which is afterwards sold at Covent Garden, is not that calculated to deceive the person who buys it?—We have nothing to do with goods when they are sold in the market; we only deal with the goods on importation. Therefore, if a basket came in containing fruit with the name of the dealer to whom it is addressed upon it, we do not stop it, because it is merely a mark enabling the goods to be forwarded to their destination. It is a question for lawyers to say whether afterwards, when they are exposed for sale in those baskets, they are liable to a prosecution or not.

1041. Will you kindly answer my question; will you tell me whether it is not calculated to deceive any person who buys the fruit in Covent Garden when foreign fruit is brought in in a basket marked with the name of a London firm?—I cannot answer that question because it does not come within my official purview at all. If you ask me my opinion as an individual it is a different thing altogether.

Lord *De L'Isle and Dudley*—continued.

1042. I will ask you to sink your official capacity for the moment and give me your individual opinion?—If you ask me whether if I go into Covent Garden and see a basket with the name of "Solomon" upon it I must think that the fruit in it is English produce I should say no, I do not think so.

1043. I will not take "Solomon," because I believe a good deal of fruit sold in his name is sold retail; but take a case of selling by public auction. Supposing the basket has the name of "Skinner and Son" upon it, which is the name of the firm mentioned in the evidence before us, who sell a very large quantity by auction. Would it not be calculated to deceive a person anxious to buy English fruit if he saw a basket with the name of "Skinner" upon it?—That is a matter of opinion; it might or it might not be. I can hardly say, unless he announced that he was selling English fruit.

1044. When it is generally supposed to be English would it not, under those circumstances, when it is sold in English baskets with the name of an English firm on them, be calculated to deceive the person who purchased it?—Yes, it might.

1045. If I understand you rightly you say that if that took place the Custom House would have full power to stop it?—We have no power at all to stop goods merely because of the shape of the basket. We have only power to stop them if there is a false trade description on the goods.

1046. Would it not be a false trade description if you saw the name of the firm appearing on a basket coming from Boulogne or some foreign port?—We are advised that a name does not come within those words if it is only marked on the outside package.

1047. Do you say that that is not calculated to deceive?—I do not say that; I say that we have no power to seize the goods.

1048. Still, I want to have your opinion upon the further point. I understand you to say that is to a certain extent calculated to deceive a purchaser?—No; I do not know that the mere address on the basket would be. I say that if a basket was made in a particular shape, which was known in the market as the English shape, it would be calculated to deceive.

1049. I am referring to that particular shape of basket known as the English shape, because it has been proved in evidence that these baskets are packed with foreign fruit, and come into this country, and are sold as English fruit?—What I say is that we should have no power to detain the fruit on that account.

1050. Still, as I understand, you think it is calculated to deceive the purchaser?—I suppose it might be.

Chairman.

1051. I wish to ask you a question with regard to some evidence which was given before the Committee of the House of Commons on the Merchandise Mark's Act, 1887, when Mr. John Shelley, foreman to Messrs. John and James Adams, appeared before the Committee, and said that the Commissioners of Customs stopped certain melons coming from Spain which

Chairman—continued.

which were marked "Selected Melons"; but he went on to say, "That the Customs people found that the Act did not apply to melons at all, and they found that they had to drop melons." Have you had to drop melons?—No; what that witness was probably referring to was that where fruit is not grown in England, but is only grown abroad, we do not take any notice of words in the English language being put upon the goods, because the presence of such words cannot deceive anybody as to country of origin. But melons may be grown in this country, and therefore I do not agree with what the witness said in the passage you have read.

Chairman—continued.

1052. In the case of fruit imported into this country which is not grown here, you would not stop it for any description put upon it?—No; we should not, so far as the use of the English language is concerned. If it was grown in two different places out of England, and it professed to come from one when it really came from the other, we might stop it.

1053. If it were labelled "Selected Bananas," for instance, you would not stop it—No; we should not.

The Witness is directed to withdraw.

Mr. MICHAEL SIMONS, is called in; and Examined, as follows:

Chairman.

1054. You reside in Glasgow; and you are a partner in the firm of Simons, Jacobs & Co.?—Yes.

1055. And also of the firm of Simons, Shuttleworth & Co., of Liverpool, and of Garcia, Jacobs & Co., of London?—Yes.

1056. Are you acquainted with the leading people in the fruit trade, both growers and salesmen?—Thoroughly.

1057. Have you agencies abroad as well as in this country?—Yes.

1058. Are you also a member of the Glasgow municipality?—I have been for nine years.

1059. Have you been Bailie of Glasgow?—Yes.

1060. The Committee would like to hear from you something about the system of inspection of fruit in Glasgow under the Sale of Food and Drugs Act; can you tell us anything of that?—Yes; it is most thorough. There is a very large staff of special sanitary officers whose occupation it is to look particularly after anything in the way of adulteration, or to look out for anything that is being sold or offered for sale unfit for human food. In addition to that special staff every police officer in the whole city is a sanitary inspector.

1061. Where is the inspection carried on?—Wherever they find anything, all over the city.

1062. Where does it begin after the fruit is landed?—When they happen to see it anywhere; there are police officers in the public market.

1063. When it is exposed for sale?—When it is exposed for sale.

1064. Do you have any inspection at the port. Are the casks opened at the port?—There is no inspection there unless it is the ordinary Customs' examination.

1065. I am speaking of the inspection under the Food and Drugs Act. Is there any inspection at the port in that respect?—I do not know of any inspection at the port of arrival.

1066. Supposing the cask is not opened till it arrives at the manufactory of the jam-maker, have you any opportunity of examining it?—None.

1067. Therefore it may arrive in a bad condition, and might even be unfit for human food, and be made into jam without an opportunity ever being offered to the inspector to see what is in the cask?—That is perfectly possible.

Chairman—continued.

1068. So far as they have an opportunity, that is to say, when the food is exposed for sale, you say the inspection is good?—Very thorough.

1069. Have you any reason to believe that fruit is imported into Glasgow in casks or barrels in a state unfit for human food, and made up into jam?—I know fruit does arrive, not as a rule, but frequently, out of condition.

1070. Speaking as a magistrate of the borough of Glasgow do you think that your inspectors have sufficient power to deal with those cases?—Yes, they have ample powers.

1071. You do not think that any fruit can be used which is unfit for human use without being stopped by the inspector?—There might be an occasional instance where such a thing could take place. Glasgow is a very large city, and even with the large staff we have, now and again, something might escape vigilance; but, as a whole I think the inspection is very efficient indeed, and very little indeed that is unfit for human food escapes attention.

1072. You admit, as I understand, that a certain amount of fruit which is unfit for human food does arrive at Glasgow?—I do.

1073. You admit further that it arrives in closed casks, which are not available for the inspection of the inspectors at any time of its career before it becomes jam. Admitting those two things, do you still say you think there is a sufficient system of inspection in Glasgow to prevent any fruit unfit for human use coming in and being made into jam?—I do. My opinion is based upon the experience of the number of prosecutions which take place and the number of samples of all kinds of food which are continually being analysed, and the number of cases where people are punished for improperly selling food.

1074. In order to institute a prosecution you must have an opportunity of seeing the fruit?—Yes.

1075. I still understand you to say that you think there is no chance of such fruits escaping observation by reason of its being in closed packages?—I do not think there is any chance, except in occasional instances, where the vigilance of the police might be eluded; but cases of that kind would be infinitesimal in comparison.

1076. But

Chairman—continued.

1076. But will you explain how the most vigilant officer, with all the good will in the world, can ascertain in what condition fruit is when it arrives in a closed package and is taken to the jam manufacturers without being opened and made into jam?—That would escape him.

1077. We were told just now is it not the fact that it takes foreign fruit sometimes five days to travel from the Continent to Glasgow?—That is quite fallacious.

1078. How long do you say it takes?—Thirty to 40 hours is about the general run. I believe it will be improved upon, because they are building faster steamers every year.

1079. Would it be possible for you to carry on your business solely with fruit grown in the United Kingdom?—It would be a very limited business indeed. It would be utterly impossible to satisfy the demands for fruit which exist all over the country, if we depended altogether upon the home growers; and there are seasons when the supply is cut off altogether, or very nearly so.

1080. Are you speaking of berried fruit or soft fruit?—Soft fruit.

1081. Then it is your practice to buy foreign soft fruit?—I sell largely both home and imported fruit.

1082. Does that fruit arrive in a good condition?—Yes, generally.

1083. In what sort of packages does it come?—All sorts.

1084. Is it in casks mostly?—I do not deal to any extent in fruit that comes in casks; it is all baskets that I deal with. That is on the ground that it is generally unsatisfactory in casks, and rather than have the risk of having any friction with the buyer I prefer not to deal in it. When it is in casks shippers have often a practice of adding water to it to make up the weight. I have known cases where fruit to which water has been added in that way has been submitted to the City Analyst and the fruit has been refused on the ground of so much water being added to it.

1085. Therefore you usually buy in baskets?—Generally.

1086. How are the baskets supplied?—Sometimes I supply them myself, and then I use the English half-bushel.

1087. What happens to the basket; does it go out to the Continent and is there filled with fruit and returned to you?—Yes.

1088. Does it go into the market?—Yes; it goes into the market.

1089. With your name on it?—We generally put our initials.

1090. At any rate the basket would be recognized as your basket?—Yes.

1091. Do you think it can ever happen that a person going into the market and seeing fruit in a basket with the initials of your firm upon it would imagine the fruit was fruit grown in England, and thereupon purchases it as English fruit?—Such a thing might happen, but I really do not think it would.

1092. Will you explain why you think it would not?—Because the buyers are very well posted up as to their business, and I do not know of any seller who would try, or who would wish to deceive them.

Chairman—continued.

1093. You say the buyers are sufficiently alert not to be deceived?—Yes, I say so.

1094. We were told by a former witness that it is almost impossible to tell the difference between English and foreign fruit?—I have heard that statement, but I think it is rather highly coloured. Moreover, generally speaking, there are divisions in the seasons. Foreign fruit arrives in the English markets at different times from the English fruit. And generally (I do not say always) the seasons are sufficiently divided so that anybody would know when the French fruit is ready and when the English fruit is ready. Take for instance the present moment: everyone knows that there are no cherries ready in Great Britain, and yet there are plenty of very excellent cherries selling in London.

1095. Do you for the purpose of your business use completely ripe fruit, or fruit that is just becoming ripe?—Our object is to always have it in good condition. If it were too ripe we could not have it carried in good condition.

1096. That is to say, over-ripe?—That is to say, over-ripe.

1097. Do you consider there is any advantage in having fruit shipped to you in an unripe condition?—It ensures its being carried better.

1098. It does not make it unfit for your purpose as a jam maker?—I am not a jam maker; I am only a salesman.

1099. Are you only a salesman of fresh fruit?—Of fresh and dried fruit.

1100. You do not think it in any way militates against your trade to have fruit arriving in a condition that is not quite ripe?—If it is too green it will not sell to advantage. We want to get it in a medium state; and you must remember that fruit will ripen with time.

1101. You do not see any harm in putting on the market fruit that is not quite ripe?—I do not.

1102. Is there any other point to which you wish to draw attention?—Reference has been made before this Committee to the question of the empty package, the use of the so-called English half-bushel, for the purpose of conveying foreign fruit. I should like to say that I think quite a wrong view is taken of the way in which the package is being used. It is entirely an economic consideration. The English half-bushel will hold 24 to 28 lbs. The French pad which has been in use will only carry from 10 to 14 lbs. It will cost 5*d.* to pack that French pad with 10 or 14 lbs. in it. It will cost the same amount to pack the English half-bushel with 24 to 28 lbs. in it. When the fruit arrives in Covent Garden, the market dues or tolls are exactly the same on the 24 or 28 lb. package as they are upon the 10 lb. package. The cost of the package for the 10 lbs. to 14 lbs. is 8*d.* to 9*d.*; and the cost of the package of 24 lbs. to 28 lbs. is 1*s.* 2*d.* if you take an English basket; and less if you take a foreign made one. Again, the fruit carries very much better in the English half-bushel than it does in the French pad. Nearly all the fruit I have seen recently arriving in the English market has been packed in English half-bushels, and on the top of the fruit there is an old French newspaper. I merely mention these things because I think too much stress has been laid upon the intention on the

Chairman—continued.

part of respectable dealers to deceive buyers by the use of the English package.

1103. I should not be quite prepared to say that it has been suggested that there was an intention to deceive; the view which the witnesses intended to convey to the Committee, I think, was that as a matter of fact people were deceived?—I do not believe people are deceived; I do not think a single buyer in London could be produced before this Committee who would say he had been deceived by anything of the kind.

Marquess of *Huntly.*

1104. I understand that in your opinion the inspection in the City of Glasgow is most efficient?—Yes.

1105. Is that confined to the retail dealers, or does it include the wholesale dealers as well?—It includes everything.

1106. But you confessed to the Chairman that it did not ensure the inspection of the packages taken to the jam makers' manufactory without being inspected on the way?—I think in such a case as the Chairman referred to of closed casks, they might elude the vigilance of the inspectors.

1107. With regard to prosecutions, you say they have taken place in certain cases, which act as some protection to the public; are those prosecutions confined to small retail dealers, or have there been prosecutions of the larger wholesale dealers?— I cannot say that any prosecutions have been levelled against the large wholesale dealers.

1108. So that it is possible that a large consignment of bad fruit might get into the hands of large wholesale dealers without any prosecution taking place?—Very likely; but I think that a large wholesale dealer having a large quantity of bad fruit would have it at once condemned, and would not run the risk of bringing himself under the penalty of a prosecution.

1109. At the last meeting of the Committee, a witness told us that on the arrival of a consignment of fruit he rejected what he did not like; and on my asking him what became of that fruit, he said it was sold in the market. So it is used up in jam, is it?—It may be so, but I do not know that it is.

1110. You do not know of any instance where a seizure has been made of a large consignment of damaged fruit, or where it has been rejected by a big firm, and where the fruit has afterwards been sold?—I do not know of any instance.

Lord *De L'Isle and Dudley.*

1111. We had evidence from Mr. Berry at the first sitting to the following effect with regard to baskets: that copies of English baskets are made abroad exactly like the English baskets, and they carry the foreign fruit to this country in these baskets. Have you ever heard of that?—Yes, that has been taking place for the last 20 years.

1112. With baskets made exactly similar, containing 24 lbs.?—Yes, what is known as the English half-bushel.

1113. So that foreign fruit does come in exactly similar baskets?—Yes.

Lord *De L'Isle and Dudley*—continued.

1114. In baskets which are made abroad to imitate English baskets?—Made to imitate them, if you will.

Lord *Lawrence.*

1115. I wish to ask you one or two questions about inspection. At the beginning of your evidence you said you thought the inspection was very thorough?—Yes, in the City of Glasgow.

1116. We have had one witness who gave evidence with regard to Lanark; he does not think it was so; you do not agree with him?—I think I read what he said, and I consider it a gross libel upon the sanitary department of the City of Glasgow.

1117. Another point mentioned by that witness was that he objected to the system of local inspection; his idea was that there should be some public inspector not under the local authority?—That might apply in a small place.

1118. You do not think that Glasgow is a small place?—No; it would not apply to Glasgow at all.

1119. Would you object, as a Glasgow man, to having an inspector not under the local authority?—I do not think I could offer any objection, except that it would be a slur upon the efficiency and good will of the department in Glasgow, of which we are rather proud. If there is any complaint to be made against the department in Glasgow it is that they are too zealous; that is the general feeling in Glasgow.

1120. No complaint has made made by the Fruit Growers' Association against your authority?—I never heard of it.

1121. I gather you do not think that any additional legislation is necessary?—I cannot see that any additional legislation would be of benefit.

Lord *Ribblesdale.*

1122. Did you hear one of the witnesses before this Committee to-day say he had never, so far as he could recollect, seen any mention of steps being taken by the authorities in that direction in the case of fruit?—That was with regard to the County of Lanark, I think. We are the County of the City of Glasgow.

Chairman.

1123. Within your experience has unsound fruit been seized in Glasgow?—Frequently.

Lord *Monkswell.*

1124. When you said that, in your opinion, buyers would never be deceived by foreign fruit that was sold in English baskets, were you referring to the retail buyers, or to the wholesale?—Wholesale buyers.

1125. Might it not happen that a retail buyer seeing this foreign fruit in an English basket might think it was English fruit?—The retail buyer does not buy fruit in the large package, he buys it by the pound.

1126. Do you not sometimes put the fruit in the window in a big basket of English make?—The shopkeepers do so at times.

1127. Do you think that a retail buyer might be deceived if he saw the fruit in the window in one of those baskets?—He might be.

1128. He

Lord *Monkswell*—continued.

1128. He might not be a person of sufficient experience to know?—His eye and palate would soon tell him whether the fruit was good.

1129. Would you suggest that it was at all a shabby thing to do to put foreign fruit in an English basket for a retail buyer to purchase?—It would be a shabby thing if they put it in an English basket with the distinct intention to deceive the purchaser.

1130. You think that even in the retail branch a man is so well able to protect himself, that there is no shabbiness in doing that?—The retail purchaser, as a rule, knows very well what he is about, and it is a mistake to assume that all the foreign fruit is inferior or bad. I see the retail sellers actually ticket their fruit frequently to show the place of origin. For instance, "Tasmanian apples," "American apples," "French pears."

1131. Would you suggest that there should be any law to prevent foreign fruit from being sold in retail shops in English baskets?—I think the ordinary law is sufficient to deal with any man when you have found him doing anything in the nature of an imposition; and I think any other law would entail a very great deal of labour and would be almost impossible to carry out; and even if you could, I know of no particular benefit that it would bring about.

Lord *Monkswell*—continued.

1132. There would be no great labour involved, would there, in making the man turn the fruit out of the English basket and put it into the shop window without any package at all?—I think there would be very great hardship in making him do that, because if the fruit is in a ripe condition the very fact of shifting it would tend to destroy it altogether.

1133. Sometimes you think it may be almost necessary for the retail dealer to put out the fruit in the shop in the same condition in which it is received?—Yes; the less fruit is handled the better for the fruit.

1134. You would not suggest that in such a case the man should be obliged to put a mark on the basket to say that it was foreign fruit?—I would not. The fruit business is one that requires to be conducted with great rapidity, and anything that would impede that rapidity would be a great disadvantage.

1135. It would not take long, would it, to pin such a mark as that on the basket?—I cannot speak for the retail traders myself; but as regards the wholesale traders, it would altogether ruin the prosperity of wholesale traders if anything of that kind was required.

The Witness is directed to withdraw.

MR. ALEXANDER LAMBERTON is called in; and Examined, as follows:

Chairman.

1136. ARE you a partner in the firm of John Gray and Company of Glasgow?—I am.

1137. Do they carry on the business of wholesale and export confectioners?—Yes.

1138. Does that business cover fruit?—We are fruit preservers or jam manufacturers. We make confectionery and we also make jam.

1139. Have you had an experience extending over 25 years?—I have.

1140. Where do you derive your supply of fruit from?—I buy in the English markets, in the Scotch markets, and in the foreign markets.

1141. You buy particular classes of fruit in different localities?—I do.

1142. Where do you buy the soft fruit?—From English markets, from Scotch markets, and from foreign markets.

1143. Then you use foreign soft fruit as well as berried fruit?—We do.

1144. In what packages does that fruit come to you?—I have bought foreign strawberries in baskets with the stalks on them, and picked them ourselves with our pickers; and I have also bought them in tubs or casks.

1145. In what condition is the fruit when it comes in the casks?—The condition of the fruit when it arrives is soft and pulpy owing to the manner in which it is carried; it breaks up; it depends upon the distance, of course. Our English fruit coming in is also in that condition, in proportion to the distance. The Dutch fruit arrives quite as quickly as the English fruit in the Glasgow market.

1146. Confining ourselves, for the present, to the condition of the fruit when it arrives in

Chairman—continued.

these casks; you say it is in a soft pulpy condition?—Yes.

1147. Has fermentation set up?—No.

1148. But it would ultimately, I suppose?—Ultimately fermentation might set up.

1149. I presume you would not buy a cask of fruit in which fermentation had set up?—No.

1150. Do you find this soft pulpy fruit is equally serviceable for your purpose as the fresh fruit which comes in baskets?—I do; and I have allowed some of our Lanarkshire fruit growers to taste it, and they have expressed a very high opinion of the quality of the jam.

1151. Is your fruit subject to inspection under the sale of Food and Drugs Act?—I should be glad to see an inspection in our factory at any time.

1152. Is it subject to inspection?—We have never had an inspector in our factory.

1153. Do I understand that this fruit is never inspected at the time it is landed till it becomes jam?—I believe not; it is open to inspection in the transit if it is wanted.

1154. But, as a matter of fact, it is not inspected?—No.

1155. Can you afford to sell your jam, that is made of this soft pulpy fruit, at cheaper prices than jam made of the home-grown unbruised fruit?—No; the markets vary. I have bought Lanarkshire fruit and paid the same price for it as Dutch fruit.

1156. At the same price as the fruit brought over in casks?—Yes; it arrives in little tubs.

1157. That is the soft pulpy fruit you speak of?

Chairman—continued.

of?—No, it is rather fresher than that coming from England; the distance makes a little difference in the soft nature of it.

1158. You say there are occasions when you can buy home-grown fruit as cheaply as you can buy this pulpy fruit, which you have been speaking of?—Yes.

1159. As a general rule, is the pulpy fruit cheaper than the home-grown?—It may be.

1160. Does it require any special treatment that you do not have to apply to home-grown fruit?—No, it is precisely the same: it is perfectly sweet.

1161. Is the quality of the jam affected?—It is almost identical; it is a matter of taste. I would prefer it myself; and as I say, I have allowed one of our Lanarkshire growers to taste it and he pronounces it to be first-class jam.

1162. I understand you to say there is a distinct difference between jam made from pulpy fruit and jam made from fresh fruit?—No; there is not any difference in flavour. As regards the foreign fruit, Dutch fruit, they have sunshine over there as you have here in England, which contributes to the quality and delicacy of the fruit; but we in Scotland have not the same amount of sunshine, and sometimes our Scotch fruit is very immature from want of sunshine.

1163. Let me call your attention to the evidence given by Mr. Blackwell, of Messrs. Crosse and Blackwell, on the last occasion: he remarked that he could not make use of the fruit arriving in a pulpy condition for the purpose of making preserve; that you would not agree with?—I do not.

1164. Would you think it was any great hardship if you were required to mark the jam pots with a distinctive mark according as they were made with home-grown fruit or with foreign fruit?—I would. We neither label our jam pots "home-grown" nor "home-made." Why should we label them when they are all wholesome fruit? I would claim liberty to conduct my own business in any way I thought proper as long as I am producing a good article.

1165. You would object to being compelled to affix any mark to your pots?—Yes.

1166. On the ground that it is an interference with liberty, or on the ground that it would hamper your trade?—It would serve no useful purpose at all, as far as I can see.

1167. Supposing it were shown to the Committee, and Parliament were satisfied that the making of jams with this pulpy fruit was undesirable in the interests of the health of the community, would you still say that no useful purpose could be served by putting on a mark?—I simply claim the liberty to label my jam as I think proper; I consider my jam is perfectly sound and wholesome, and I claim that I am entitled to make it as I think proper. I embrace all kinds of fruit.

1168. Your objection to putting on a label, if I gather rightly, is more as to its being an interference with liberty than anything else?—I do not see any useful purpose to be served by it.

1169. If it were shown to you that it would satisfy other people in your business you would have no objection, I take it. I want to know what it is that you mean when you speak of a

Chairman—continued.

"useful purpose"?—I think it would hamper our trade to commit us to any form of labelling when there was no necessity.

1170. But if the necessity were shown what would you say then?—I do not see how the necessity arises.

1171. But if the necessity were shown, what would you say; would the obligation be so expensive that you would object to it on that ground?—It would be very troublesome, keeping sets of labels for home-grown fruit jam, and so on.

1172. Do you ever mix the two kinds?—Yes, we sometimes mix two kinds.

1173. In that case it would be impossible, I suppose, to label it either one or the other?—Yes.

1174. You would have to put a label, "mixed," on the pot?—They would both be equally good fruit in quality.

1175. What is the principal fruit that you get from abroad of the berried fruit?—We get green gooseberries first of all, that is the first that comes in, then we have currants.

1176. You say that arriving as it does in fast steamers in good condition, it is for all purposes of preserve-making quite equal to what can be grown at home?—I do.

1177. You say it arrives more rapidly than the Committee have been told; at any rate in less time than four or five days?—Most certainly. I may explain that strawberries are arriving this week in Glasgow from Rotterdam *viâ* Harwich, which would be in Glasgow market 24 hours from Rotterdam. What is dispatched to-night is in Glasgow to-morrow night, that comes in baskets.

1178. I suppose the price of fruit depends partly upon the quantity in the market?—Yes; in one market where the quantity is short the price will be higher.

1179. It does not depend necessarily upon the condition of the fruit, but upon the condition and the quantity combined?—Yes.

1180. Will you explain to the Committee what in your opinion is the distinction between pulpy fruit and unsound fruit, I understand you to say pulpy fruit is not unsound?—It is not unsound.

1181. Where does the unsoundness begin?—It begins at a very much later period than the mere pulpy condition. When the stalk is taken off the strawberries, as you will quite easily imagine the fruit tends to settle, and gets into a body, and in a softer state; and of course the transit breaks it up, just as is the case with the English fruit. Our English strawberries come in in the same way.

1182. It looks unsightly?—Yes.

1183. Do you think it possible that it would be too strong a term to apply to fruit which is pulpy to say that it is in a nasty state, unfit for human food?—Certainly.

1184. Do you think any fruit is used for jam-making purposes which is in an unsound condition and unfit for human food?—I have never heard of it; and I think it would come to my knowledge if such a thing took place.

1185. If it were so, do you think the present system of inspection in Glasgow would be sufficient to prevent it?—I think so.

1186. Can you give the Committee any idea of the proportion between the fruit imported from abroad

Chairman—continued.

abroad and fruit grown in Scotland?—I could not very well.

1187. Roughly, is it twice or half as much?—I think there is much more home fruit used than imported fruit in our district.

1188. Twice as much, would you say?—We depend upon the seasons as they come along in the different countries.

1189. In your own business, which do you use most of?—We use more home-grown than imported.

1190. One question with regard to strawberries. The Committee were told by one witness that foreign strawberries were hardly ever imported into this country for the purpose of making jam; is that so according to your experience?—My experience is to the contrary.

1191. Is there a very large quantity imported?—Not such large quantities as with some of the other fruit. They are not grown so very extensively. I would like to mention before I leave the subject that sometimes the appearance of a cask of strawberries may be very much worse than on other occasions, owing to the system which is taken now and again; they have added water. But unfortunately our Lanarkshire growers do the same thing, and they have to be very carefully watched. They say it is to wash the sand off the strawberries, or something of that sort.

1192. Is there any other point you would like to call attention to?—Nothing occurs to me at the moment.

Marquess of *Huntly.*

1193. A previous witness gave this answer to Question 860, "as I have said before, I have never seen any foreign raspberries and strawberries that are of sufficiently good quality to make good jam." Would you agree with that opinion?—That is not my opinion. I buy my raspberries largely from the English market.

1194. What I have been reading was the evidence of a London witness; do you think the reason of a difference of opinion may be that most of the raspberries and strawberries coming from Rotterdam go down by the Great Northern and the North British routes to the North, and do not come to London at all?—They come by steamers from Rotterdam to Leith and Grangemouth very often.

1195. Then they do not come to London?—I do not know.

1196. In regard to inspection, I understood you to say that you thought the inspection was sufficient; but if you have never seen an inspector at your factory how can it be sufficient?—It would be on account of my good name that I was not requiring to be inspected.

1197. But I understood that you would not object to inspection?—Certainly not.

1198. Do you not think, in the case of fruit sent from abroad to a factory, it would be a good thing if there was inspection at the factory?—I have no objection to anything of that kind.

1199. One of the witnesses before this Committee spoke of this damaged fruit being mixed with spirits of wine; has a case of that sort ever come under your notice?—I should think that was purely imagination.

Marquess of *Huntly*—continued.

1200. You know nothing of the practice?—I know nothing of the practice.

Lord *Wimborne.*

1201. How long would it be before this fruit which arrives in a pulpy state would get to ferment. I suppose it would depend upon the weather?—It depends upon the weather and the condition of the fruit. You may pull a strawberry off a plant and in a couple of hours fermentation may begin.

1202. I was referring to the pulpy fruit which you get in casks?—The fruit we receive is perfectly sound and sweet. I have had to reject some fruit where it had water in it. The water, of course, can be boiled out, but it deteriorates the colour of the fruit.

1203. You cannot make wholesome jams out of fermented fruit, can you?—Yes.

1204. It would be rejected, I suppose, when it became fermented?—The boiling process kills the fermentation, but the fruit loses in colour after it ferments, even in the case of jam. But it is not unwholesome after being boiled, because, as I say, the boiling kills the fermentation, though it reduces the colour.

1205. Can you tell the difference in tasting whether the jam has been made from fermented fruit or not?—It is very slight.

1206. Is it unwholesome in that case?—No, it is quite wholesome; that is, after comparatively slight fermentation. We have had strawberries from Lanark ferment the following morning after being pulled. Strawberries are very apt to ferment, and the fermentation sets in rapidly.

1207. Would the fruit be rejected by the inspector if it were fermented?—I do not know what view the inspector would take.

Lord *Belper.*

1208. I do not know whether you heard the evidence given here by a gentleman in this neighbourhood, who said that a large proportion of the foreign fruit that was bought by jam makers was rotten; he would not accept any less strong word; could you say that fruit in that state, after it was boiled, would be wholesome?—No. That, I think, is a very exaggerated statement.

1209. I was only putting the statement to you for what it is worth. If you got rotten fruit, would you consider it was still wholesome when it was boiled?—No.

1210. If it is fermented to a certain degree, you say it would not affect its wholesomeness?—Certainly not. Fermentation is a comparative term; and, as I say, even in fresh strawberries, the day after they have been pulled you can have fermentation.

1211. I take it that that state to which the witness alluded as being rotten is a state considerably after fermentation has set up?—Yes, as regards the condition of the fruit; taking plums or damsons, for instance, which we largely bring down from the West of England districts, where they are largely grown, they come in large quantities into our northern markets, and we receive also large quantities of foreign plums. The inspector or anybody might open the baskets, and find a pound or two of wasty plums amongst them.

Lord *Belper*—continued.

1212. This witness was speaking of fruits coming from abroad in baskets shut up in casks; he said it was so bad that it could not be exposed to view in baskets?—Yes; but I was referring to the question of the inspector.

1213. Respectable firms of course get some amount of waste. Plums and such-like fruit go wasty very soon, through the abrasure or rubbing of the basket, and an inspector coming into a factory might see a basket of plums of 40 lbs. or 50 lbs., and there might be 5 lbs. or 6 lbs. of it wasty. That would be quite a natural thing to find; but would the inspector be justified in pronouncing that fruit unsound?——

Chairman.

1214. Not the whole of it, I presume; but you would admit that a portion of it was?—Yes; and every maker would invariably pick it through and throw out the wasty. But you could not destroy the whole basket because of a few pounds of wasty.

Lord *Ribblesdale.*

1215. I suppose a jam maker who used rotten fruit would very soon lose his trade?—Certainly.

Lord *Belper.*

1216. Do you label any of your preserves or jam with any label beyond that indicating the kind of fruit it is made of?—No; our labels have neither "home-made" nor home-grown" upon them, but simply the name of the jam. The matter of marmalade is quite different. The description of home-made which is put on marmalade is to denote that it is made on the same principle as that of the housewife making her marmalade years ago, and, in point of fact, it is that.

1217. Should you like to be compelled to label your jams according to whether they were made of foreign or English-grown fruit?—I should not.

Lord *De L'Isle and Dudley.*

1218. I want to call your attention to Question 807 of Mr. Blackwell's evidence, which runs thus: "Are you speaking now of berried fruit, gooseberries and currants, and so on, or of strawberries and raspberries?—(*A.*) I am not speaking of strawberries and raspberries, because they do not arrive in good condition." Is that the view you take with regard to foreign strawberries and raspberries arriving in this country?—They arrive in sound condition; and I understood Mr. Blackwell to say that, from the account of his evidence which appeared in the papers.

1219. His evidence is: "I am not speaking of strawberries and raspberries, because they do not arrive in good condition"?—That refers simply to the broken form in which, as I explained, we receive our English and foreign raspberries; that is to say, they are broken by the journey. They get rather soft, and, of course, for the purposes of jam making the jam maker has less labour to boil the fruit when it is soft; that does not interfere with the quality of the fruit at all.

Lord *De L'Isle and Dudley*—continued.

1220. You differ from Mr. Blackwell with regard to the fruit not arriving in good condition?—It may happen now and again that fruit may not arrive in good condition, but as a rule it does.

Lord *Lawrence.*

1221. Do you ever buy foreign fruit abroad, or do you buy foreign fruit on arrival in this country?—We buy it on the other side. We are large users of fruit, and we could not depend upon the regular supplies coming in.

1222. You get it both ways?—Yes; but mostly imported by ourselves.

1223. I suppose you admit that some bad fruit comes. Rotten fruit of course you would not use; but you admit that some comes which is not good enough for you?—I have never bought rotten fruit.

1224. But you admit that some would arrive?—It may, but I have not seen any fruit that could be called "rotten."

1225. But some would arrive that would not be good enough for you?—Some of it would not be.

1226. Do you know what the amount of it would be?—I do not.

1227. Have you ever seen inspectors purchasing fruit at the port of arrival or anywhere?—I have not.

Lord *Belper.*

1228. You buy abroad, and the fruit is consigned to you, I understand; what percentage of it is condemned by you as being unfit for your purposes?—None. What little waste there may be is thrown away.

Lord *Lawrence.*

1229. In fact you have never seen bad fruit?—The only remark I make is that I have detected a pail or two of water being added, where they wanted us to pay strawberries price for water. That is not confined to the foreigner, however.

1230. Can you find that out?—Yes, most distinctly; it simply wants to be evaporated.

Lord *Monkswell.*

1231. Do I understand you to say that you never condemn any portion of the fruit that comes to you from abroad. Do you not find that every now and then a small proportion of the strawberries, or whatever it is that comes over, is too bad for you?—There may be a little damaged fruit which we have to throw out, and do the best we can in settling with the parties.

1232. You are not aware that there is any market for the bad fruit which is rejected?—No; there is no market.

1233. You do not know of any system going on of other jam-makers utilising the fruit that you throw away?—I do not know of any.

The Witness is directed to withdraw.

LIEUT.-COLONEL HOWARD VINCENT, C.B. (a Member of the House of Commons) is called; and Examined, as follows:—

Chairman.

1234. YOU are a Member of Parliament and represent one of the Divisions of Sheffield?—Central Sheffield.

1235. And you have taken considerable interest, I think, in the question of marks on foreign goods, and have introduced a Bill on the subject?—Yes. I have for a great many years, ever since 1887, taken a great interest in the question. In fact, during the whole of my connection with Sheffield, the Cutlers' Company and all the trading interests of Sheffield have been deeply exercised by the admission of foreign goods either falsely marked or improperly marked. In 1887 an Act was passed, and ever since then I have introduced a Bill every Session to amend that Act.

1236. Can you explain to the Committee how far the Merchandise Marks Act as it stands at present is applicable to manufactured goods, and how far it is applicable to non-manufactured and produced goods?—I know less about produced goods than I do about manufactured goods, but the important section is the 16th section of the Merchandise Marks Act, which prohibits the importation of all goods of foreign manufacture bearing any name or trade mark of any manufacturer, dealer, or trader in the United Kingdom, without a definite indication of the country in which the goods were made or produced.

1237. Is it your experience that the word "produced" should be held to apply to articles of food which are grown, or only to articles which are manufactured?—I hold that it should be certainly applied when practicable to articles grown as well as manufactured.

1238. Are you familiar at all with the practice of the Commissioners of Customs in detaining goods arriving from the Continent with particular marks on them which are held to be an infringement of the Act?—I am familiar with it in this sense that I have attended at the Customs myself and have seen these articles arriving, and have seen the search made for them, which is somewhat perfunctory. I have also carefully read the reports from year to year of the Commissioners of Customs, and more particularly the report of 1889, in which the Commissioners said this, if I may be allowed to read it: "False trade descriptions are placed upon many goods which are imported without any mark at all." Upon that I obtained a Select Committee of the House of Commons in 1890 to inquire into the amendment of the Act.

1239. That I understand to apply to goods which come in without any mark at all, and then the Commissioners of Customs say that after their arrival in this country they are then fraudulently marked?—Yes, and there was a great deal of evidence before the Select Committee of 1890 which bore that out that there are a great many articles imported plain which could be marked here perfectly well. The only difference arising is that before the Act of 1887 they were

Chairman—continued.

falsely marked in Germany, and now they are imported plain and falsely marked directly or indirectly in this country. If I may be allowed to take the instance of cutlery, without alleging at all that it is done in Sheffield itself, a knife may be made in Germany, for instance, *this* knife, and the point where the mark is made of soft steel, and it only has to be placed under a punch to have any name you like put on the soft part of the blade.

1240. When the Committee to which you refer was carrying on its investigations, was the question of food products at all brought before them?—There was some evidence about food products by one witness, but I forget his name at this moment.

1241. The statement which has been made to this Committee is that in a great many cases fruit is imported from abroad in baskets made in England, and those baskets having on them the name of a broker in London. Then the Commissioners of Customs do not feel themselves justified in detaining those goods under the Merchandise Marks Act, first on the ground that the name of the addressee is not calculated to deceive, and, secondly, on the ground that they are only called upon to detain goods which are manufactured and not those which are simply grown. I want to ask you, do you in your Bills that you have introduced on several occasions in the House of Commons make any provision which would cover both manufactured and produced goods or does it apply only to manufactured goods?—I produce the Bill and I take it it applies to all goods, whether manufactured or whether produced, provided they are capable of being marked. The second section of the Bill which your Lordship has before you specially provides that goods which would be destroyed or rendered in their character unfit for sale by the marking should be exempted by published Regulations of the Commissioners of Customs. If I may make an observation on what your Lordship said just now, I hold that the Commissioners of Customs are going beyond their power altogether in allowing a basket to be brought in containing fruit or empty, or in any shape or form, which bears English wording, or the name of any English town on it, under the 16th section. That case would be exactly analogous to allowing *this* bottle to come in. [*Producing a bottle*). It has "R. White" upon it, which is an English name, "½*d.* deposit charged on this bottle." They allowed these German-made bottles to pass. I asked the law officers of the Crown the other day if the Commissioners had any right or discretionary power to allow an article to come into this country bearing English words or English trademarks. The answer of the Solicitor General for the Attorney General was in these words: "No, they have no such power." Therefore I should contend they were going beyond their power in admitting the basket containing the foreign fruit.

 1242. There

Chairman—continued.

1242. There is a distinction to be drawn between those two cases. I have not seen the bottle you have there, but I understand there is the name on it, "R. White," but in addition to that there are English words, "½*d.* deposit charged on this bottle." Those English words would lead to the supposition that the bottles, at any rate, were produced in England?—Quite so.

1243. But the case of the fruit basket would be more analogous to this case if those words that I have just read were eliminated and there was only "R. White" on the bottle, and R. White was the consignee?—Quite so.

1244. Have you any observations to make upon that state of the law?—I think it is very unfair, and very improper, that these things should be allowed to come in without a definite indication of origin, and that the baskets should be, as they are being, I believe, filled with foreign fruit, and sent in with the indication of origin, which is that of the fruit dealer in this country.

1245. The whole tendency, as we understand it, of the Merchandise Marks Act is to prevent the public from being deceived, is it not?—From being deceived.

1246. And, therefore, do you think if the Merchandise Marks Act does not prevent deception, that it ought to be so amended as to secure that deception should be impossible?—I think it is absolutely essential in the interest of both producer and consumer that that should be done.

1247. You think that a basket made in England, and bearing an English name on it, would be calculated to deceive?—Would be calculated to deceive, certainly, exposed for sale in an open market by a fruit vendor.

1248. As you interpret the Merchandise Marks Act as it stands now, do you think it covers that case, or that the Commissioners of Customs are right in holding that it does not cover the case?—I think the Commissioners of Customs, if they are right by the exact letter of the law, are doing an injustice to the producers and to the consumers of this country.

1249. That is, that they are right in accordance with the letter but not the spirit of the law?—Your Lordship puts it exactly right.

1250. And your wish would be that the letter of the law should be so amended as to carry out what you believe to be the spirit of the law?—The spirit of the law.

1251. You believe that would be done by the Bill you have introduced into the House of Commons?—I believe so. I produce before the Committee a very large volume of evidence on this subject, and that feeling is growing amongst all trades-unionists—it has been shown at the Trades Union Congress—and amongst all the working classes without exception. On the 6th May 1893, I took a deputation to the Board of Trade from a very long list of societies urging the amendment of the Act.

1252. You observe that there is this distinction between the subject we are inquiring into and that which I think you have more prominently in your mind, namely, that we are here considering the unfair competition of produce which is grown abroad, and not that which is manufactured, whereas I think your primary case is that there is unfair competition in manufactured goods?—Quite so.

Chairman—continued.

1253. I think we must ask you to confine yourself as much as you can to the subject which the Committee are more particularly inquiring into. Is there any other remark you want to make on that?—No, I think not; except to say that I think the producing interest of this country is even more affected than the manufacturing interest; that is, the producers of natural produce.

Lord *Belper.*

1254. There is only one question I desire to ask, and it arises out of an answer to one of the questions of the noble Chairman's. I rather understood you to imply in your answer that the Customs would take no action with regard to articles of produce coming in, but I gathered from an answer of Mr. Seymour's that in a certain case where a cask or parcel of apples came in with "Best selected apples" on it from abroad, they did stop them, because they thought the "Best selected" implied being written in English and English words that they must have been English apples when they came on the English market?—I am glad they did stop them.

1255. You would, therefore, so far modify your answer?—I am glad to hear they took the right view in that case.

1256. But you think that they ought to go further still, and that under the spirit of the law, at all events, they ought to stop these baskets with the English name coming in?—Certainly. I do not know whether the Committee would care to have a synopsis of the evidence given before the Select Committee of 1890. I have a copy for each member of the Committee. (*The Witness hands in same.*)

Chairman.

1257. Can you tell the Committee what reason the Commissioners of Customs give for not detaining a bottle having on it English words?—The reason which, I understand, they gave to the Board of Trade was that they imagined that English soda water was to be put inside these bottles. Why they should have imagined that I cannot say, because beer, or anything else, might be put in.

1258. Do you think on the same reasoning, or the same analogy, they might refuse to stop empty baskets with English words on them which they might expect are destined to contain English fruits?—No doubt that is so. The case is exactly analogous, I think.

Lord *Belper.*

1259. I suppose in this case they said that if the fraud was intended to be to sell either foreign beer

Lord *Belper*—continued.

beer or foreign soda water as English soda water in England then they would have put that into the bottles before they sent them over?—I suppose that would be their argument, but your Lordship sees anything might be put in into it —German lager beer or Bordeaux wine.

Lord *Monkswell.*

1260. The bottles come over empty?—A whole shipload, I am informed, exactly like this one, with all this English lettering, and I may say that the glass trade is particularly depressed at this present time, and this wrongful importation undoubtedly is one of the causes of it.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday, 25th June, at Twelve o'clock.

Die Lunæ, 25° Junii, 1894.

LORDS PRESENT:

Earl of Winchilsea and Nottingham.
Earl of Onslow.
Lord Ribblesdale.
Lord De L'Isle and Dudley.
Lord Lawrence.

The EARL OF ONSLOW, in the Chair.

Mr. JOHN ISAAC WATTS is called in; and Examined, as follows:

Chairman.

1261. You are the managing partner of the London and Provincial Dairy Company?—Yes.

1262. The Committee have been taking evidence as to the competition of foreign and colonial with English produce, and as to the sale of the former under the description of the latter; I believe you are prepared to tell us something on that subject, especially with regard to dairy produce; will you begin with cheese, and tell us what your practice is?—Yes. I take it your Lordship refers more especially to the marking of foreign and colonial cheese?

1263. Yes?—I would suggest that the top and bottom of each cheese should be marked in the vat with the name of the country in which it is made.

1264. Before we get to that let me ask you, is there at the present time any considerable quantity of foreign cheese sold as English?—I think so.

1265. Is there a difference in quality between that cheese and the English?—There is a difference in quality.

1266. And in price?—And in price.

1267. That is to say that the foreign is cheaper and less good?—The foreign is cheaper.

1268. Do you think the ordinary retail purchaser is able to distinguish between them, from the taste or appearance?—Some may be able to do so, but as a rule they are not, the consumer especially.

1269. In what qualities of cheese does the misrepresentation exist to the greatest extent?—In Cheddar cheese principally; I think that is the most serious.

1270. Is it your experience that a very large amount of Cheddar is produced abroad and sold as English?—It is.

1271. From what countries principally?—Canada.

1272. When that comes into the English market are the cheeses not marked at all?—Not to my knowledge, except on the cases.

Chairman—continued.

1273. The cheeses themselves would not be marked?—The bulk of these large cheeses are sent in in cases.

1274. Those cases, you say, are marked?—The cases are marked.

1275. What are they marked; are they marked "Best Cheddar"?—I have not noticed how they are marked, but I know they have some mark upon them, some sort of private mark,

1276. Cheddar is a small place, is it not?—Very small.

1277. A great quantity of so-called Cheddar cheese comes from the district round Cheddar, I suppose, and is not made in Cheddar itself?—No; the Cheddar cheese is made in various places. I have made it myself on my own farm in Wiltshire.

1278. Does not the name "Cheddar" rather denote a quality of cheese than the place of origin?—I dare say that variety of cheese was first made in Cheddar, and as it extended itself, and became popular, other farms took it up.

1279. Under the Merchandise Marks Act, if cheese were brought into this country marked "Cheddar," it would probably be stopped on the ground that there is a place with the name of Cheddar, and therefore that would be likely to mislead; but, on the other hand, would it not be almost equally misleading to call a cheese made, we will say in Herefordshire, "Cheddar" cheese?—Yes, it would, in a certain degree.

1280. You suggest that it would be possible to mark every cheese that was imported into this country with the name of the country of origin upon the cheese?—Yes; on the top and bottom.

1281. In what period in the cheese's manufacture would that be done?—At the time that it was in the press.

Chairman—continued.

1282. Could it be done at a later period, after the cheese was ripe?—No; not without deteriorating its value, or at least it would be noticed, because the skin of the cheese would become cracked in giving the impression.

1283. Would it be possible to import cheeses into this country from abroad and then mark them as Cheddar cheese in the way you propose?—No, or at least it could be detected.

1284. You think that would be an efficient mark which could not afterwards be imitated?—Those impressions must be given during the time the cheeses are in the press.

1285. Have you any experience yourself of making cheeses in that way?—Yes; some 15 or 20 years ago I made cheese in that way; that was only just for exhibition purposes.

1286. Did you mark it?—Yes.

1287. And you did not find it in any way interfere with the value of the cheese in the market?—Not at all; it need not be a deep impression, it should be just something that could be discerned in the skin of the cheese.

1288. If the competition between English cheeses and foreign cheeses is so great, would it be to the interest of manufacturers of English cheese to mark their cheeses?—I think so, but then if foreign cheeses were marked in the way I propose, the English consumer would know by the mark that he was buying a foreign product.

1289. But if it were known that English cheeses were marked and that foreign cheeses were not marked, would not a purchaser if he bought an unmarked cheese know that he was buying a foreign product?—Yes, but I take it that the whole of the foreign cheeses would be marked in that way so that the cheeses which were not marked in this country would be taken as English made cheeses.

1290. Of course there are two suggestions: either you may compel the marking of foreign cheese or you may compel the marking of English cheese, in which case by a process of exhaustion the unmarked cheese would be the one other than that which Parliament had decided should be marked?—Yes, if you marked the whole of the English cheese the inference would be that the unmarked cheese would be foreign or *vice versâ*.

1291. Would it be any restriction upon the trade or any inconvenience to the manufacturer to be compelled to mark his cheese?—Not in the least.

1292. Is the cost involved great?—No.

1293. There would be, I suppose, the prime cost of making the stamp?—Yes, that would be all, but then the stamp would last for a great number of years.

1294. Would there be much labour involved?—There would be no extra labour beyond making the die upon the top and the bottom of the vat.

1295. Is any other cheese besides Cheddar largely imitated?—Yes, the Derby cheese, Cheshire cheese; they imitate them all more or less.

1296. The American cheese is the principal competitor, is it not?—I think so.

Chairman—continued.

1297. How do the prices of American cheeses compare?—They vary very much. The great object with consumers is to get the real Cheshire cheese. I have had orders given me by people, because they knew I was a maker, to send cheese abroad to various countries with the object of getting real English cheese.

1298. Would you go so far as to say that the prices of American cheese are always less than that of English?—I would not go so far as that, because in some cases they may be at the same rate, or perhaps higher. It depends upon the quality. Foreign cheeses have very much improved in quality of late years.

1299. Has that been a steadily growing improvement?—I think so.

1300. So that it is not without the bounds of possibility that before long the foreign cheese may attain to equal quality with the English cheese?—No; I can remember the time when anybody could distinguish between the two, but now it is becoming very difficult, especially with respect to Cheddar.

1301. Then you can anticipate a time when the foreign cheese might be as good as the English?—Yes, because they are getting our best appliances and the best intellect to make their cheeses.

1302. Does that apply also to cheeses from the Australian colonies, or only to those from Canada and the United States?—I have not had much experience of Australian cheese.

1303. Have you had much experience in Danish cheeses?—No, I only know that their cheese would be dissimilar from ours. They would not imitate the English cheese. It is the colonial people who imitate the Cheddar cheese so much.

1304. Passing from that, can you give the Committee any information as to butter; is there much butter that comes into this country from abroad?—Yes, great quantities.

1305. Is that foreign butter sold under its own name?—Butter is a very difficult matter to deal with. I am sorry to say that a great deal of the foreign butter is sold as English.

1306. Is it marked?—The cases are marked but the cases are absolutely valueless from the point of view of the consumer.

1307. I presume you mean it is valueless because the cases are removed?—The cases are removed, and the butter is worked up into pounds, and sold in small quantities, and it carries no distinguishing mark with it.

1308. Is it your experience that in regard to foreign butter, which, as you have said, is worked up into small quantities, such marks are put upon the pats of butter as to lead a consumer to believe that the butter was made in England; I mean, for instance, such marks as the Royal Arms, or any name?—I could not give any evidence as to that.

1309. You think it would not be difficult to mark cheese; how would you propose to mark butter?—It is a very difficult matter to deal with, and the only solution I could give to it would be colouring it to a shade beyond the normal colour of our English butter.

1310. Does

Chairman—continued.

1310. Does not the colour of English butter vary very much?—It does.

1311. Would you propose a different colour from yellow?—I would propose some distinguishing colour, the same as we have in other articles of manufacture and food.

1312. For instance?—For instance, various sauces and wines and spirits; they are all more or less artificially coloured.

1313. But the object of colouring such things as those is to give them a marketable appearance, is it not?—Yes.

1314. Would not any colouring such as you suggest in the case of butter have the effect of giving it an unmarketable appearance?—Perhaps it would be prejudicial to it.

1315. Unless people got very rapidly accustomed to it; if they saw brown butter or blue butter in the market do not you think they would be deterred from buying it?—I expect they would, to begin with, at any rate.

1316. So that it would interfere considerably with the operations of those importing butter into this country, would it not?—No doubt it would be a very serious check.

1317. Not to speak of the interests of the producer who sent it into this country?—Quite so.

1318. In your opinion that is the only way in which butter could be distinguished?—I think so, because I look upon the marking of any boxes or cases as absolutely useless, because the butter cannot carry its distinctive mark with it.

1319. Do you apply that remark to the wholesale trade as well as to the retail?—Yes, so far as butter is concerned.

1320. That is to say, the butter is removed from the packages in the wholesale trade as well as in the retail?—I will not speak to the wholesale, but I know that retailers buy this butter in boxes, and it is taken out of the boxes and sold as English butter.

1321. To turn to another subject of your business, milk, there is a very large foreign trade done in milk now, is there not?—It has just commenced last winter. A little daylight has been let into the matter, and from what I can hear and see I think it is likely to continue and increase very much. That is a very serious matter from the public point of view too, because we have no power of inspecting the places from which the milk comes such as we have in England. We do not know whether the milk comes from healthy farms or otherwise.

1322. There is no means of testing the milk as to its healthy properties after it is brought into this country?—No.

1323. Your only way is to trace the source from which it comes?—Exactly.

1324. There again, could you make any suggestion as to how it would be possible to indicate the place of origin of the milk?—No, excepting by colouring it.

1325. There again, I presume the same objection would apply, that it might interfere with its sale?—I expect so, but not to the same extent as butter. The milk trade from the Continent is a comparatively new business, whereas the butter trade is old and more established, and the difficulty would be greater with butter than with milk.

Chairman—continued.

1326. But what colour other than white could you suggest for milk?—I should suggest yellow; colouring it with annatto.

1327. Then you would suggest that no milk should be allowed to come into this country unless it came up to a certain standard of colour; would that be your suggestion?—I think so.

1328. Except that you are naturally desirous of giving every advantage to the home grower, there would be nothing to prevent a similar test being applied to English milk?—Not at all.

1329. That is to say, that English milk should be made yellow, and foreign milk should be left its only natural colour?—Exactly.

1330. I daresay you would object very strongly to be called upon to colour your own milk in that way?—I do not think we should be called upon to defend ourselves in that way.

1331. Then as to the question of margarine, I do not think it comes exactly within the scope of this inquiry; but at the same time, no doubt a great quantity of margarine, notwithstanding the Margarine Act, is still sold as butter?—There is no doubt about that.

1332. Would you say that the colouring of margarine would prevent its being sold as butter?—I think so; or rather, I think that the colouring of it to imitate butter should be strictly forbidden in the manufacture of margarine.

1333. In that case you would make the margarine quite light?—Yes; its normal condition would be quite light, similar to lard. If there is one thing that the British public dislike, it is butter of a pale colour, or white. Now and then, in the winter time, you get butter almost white, but not much.

1334. It that case it would be rather the converse process, would it not; it would be that you should require the importer of margarine to leave the article uncoloured, to leave it its natural colour?—I think the manufacturers, whether at home or abroad, should leave it its natural colour.

1335. If it were left its natural colour there would be no possibility, you think, of confusion between it and butter, except as regards the winter butter which you have just referred to?—No. I think it would be the best safeguard we could have against margarine being palmed off as butter.

1336. Is there much imitation cheese brought into this country from abroad?—It is beginning, and I am sorry to say there is some being done now in England. They use the separated milk from the local factories so as to give it a buttery, cheesy taste. They work up these artificial cheeses from this fatty matter, and turn them out so as to resemble in appearance the real cheese.

1337. You mean the cheeses are made of other than milk?—Yes, of fatty matter.

1338. Of animal fat?—Yes.

1339. In the same way as margarine?—In the same way as margarine; it is the same composition, only they call it cheese instead of margarine.

Chairman—continued.

1340. You have a large experience also, have you not, of the egg trade?—Yes, a good deal.

1341. Do foreign eggs come into competition with English eggs?—Very much so.

1342. How do they compare as to price?—Some of them are sold at very high prices.

1343. As fresh eggs?—Yes, the best selected descriptions which we get from Brittany and other places close at hand.

1344. Do they come over in cases?—They come over in cases.

1345. Whether those cases are marked or not marked, when they reach the retailer it would not affect the consumer?—I presume he can sell them as foreign or English at his option.

1346. There is a class of eggs, is there not, known in the trade as French eggs, which is very cheap?—Yes, and there are Italian and Russian eggs.

1347. Those are sold in cases at a very cheap rate?—Yes.

1348. They do not come into competition with the fresh eggs of the English market?—It interferes with the price of the English egg, because English people always think they are buying English eggs more or less.

1349. Even if they buy them in large cases in quantities of twelve dozen?—That would be from the shopkeepers' point of view.

1350. Are they not generally known in the trade as French eggs?—They are generally known in the trade as French eggs.

1351. To the ordinary consumer?—The very cheap ones would be put before him in that way, but the best would be picked out and sold as English eggs.

1352. But there is also, is there not, a trade in fresh eggs from across the Channel from Brittany and Normandy?—That is in the trade, not with the consumer.

1353. Would there be any difficulty in marking an egg?—I should not think so.

1354. It is a common practice now, is it not?—It is with the new-laid eggs in England, but not with the foreign eggs.

1355. What are they marked with?—We have marked our eggs for many years with the name of the business, and they are stamped "guaranteed"; that is that they are new.

1356. Do you also add the date?—We do sometimes.

1357. Is that mark indelible?—Yes.

1358. Have you tested it?—Yes. We have customers who will send the shells back if the mark is not on the shell after being boiled for breakfast.

1359. Have you tested how far it is indelible?—You cannot remove the mark.

1360. It soaks into the shell?—It soaks into the shell and it is impossible to remove it, or rather I will not say impossible because perhaps they may get some chemical process for taking it out.

1361. So far as your experience goes, at present at any rate, it is difficult to remove it?—It would not be got out by an ordinary person.

1362. As to the labour of impressing that stamp, is it considerable?—No, we do not look upon it as any expense.

1363. Can you give the Committee any idea of how many a man can do in a day or in an hour or any time you like to name?—A man would stamp a great many thousands in a day.

1364. So that the cost would be very slight?—Very slight indeed.

1365. You believe that that mode of marking would at any rate be quite efficacious?—I think so, and it would give a wonderful impulse to British poultry-breeding.

1366. You think it would lead to the cultivation of poultry a great deal more than at present?—I feel quite certain it would.

1367. Would not they still be undersold?—Not to the same extent. People would know what they were buying, and would know that fresh new-laid eggs could not arrive as quickly from foreign countries as from the English counties.

1368. There are of course seasons in the year when the competition is keener than at other times?—Very much so.

1369. When is the competition from abroad keenest?—We get a great many foreign eggs just at this time of the year.

1370. Do you not get it in the early part of the season?—During the whole of the spring and the early part of summer we get a great many foreign eggs at a very low price.

1371. You think if the public knew they were buying foreign eggs they would seek out English ones?—I am sure they would.

1372. Do you think that then the supply would be forthcoming to meet the demand?—Yes, I think so, because the prices would go up for English eggs. I am sure there would be a great demand for English eggs, and therefore it would be certainly a great incentive to the breeding of poultry in this country.

1373. There is one other matter which I think comes within your purview, and that is fodder, hay and straw?—Yes, that is a new trade which has just sprung up.

1374. Is that a competition that has grown much in recent times?—Yes, during the last year. It was brought about by the drought of last year. Great quantities have been sent in and are upon the market now that can be bought at almost any reasonable sum.

1375. Have you any knowledge of whether there is much coming in this year, or whether any forward contracts have been made for hay this year?—I think the foreigner is preparing to send great quantities, and I think they will, because now they have tasted our money for hay, as they have for corn and other things, and they will continue to send it in. The lower freight for hay and straw in bales will encourage their being sent, and I think we may look forward to its most seriously affecting the cultivation of hay and straw in this country.

1376. Is it within your experience that contractors for forage were so well satisfied last year with the hay supplied from abroad that they are in

Chairman—continued.

in preference making contracts with foreign growers instead of English, although there is a probality of a good hay crop at home this year?—I could not say. The foreign growers send over a great deal for sale on commission, trusting to a good or bad market.

1377. It is not so much a question of making the contract on the spot as of sending the stuff here to be sold?—Quite so; as with other products sent for sale. When the things are here they must be sold for what they will realise.

1378. Have you any proposal to make as to how the foreign forage could be identified?—I have used a good deal of it this winter, and I found it all came in with metal bales and bands round it, and I think there should be something on those bands to identify the hay as being of foreign origin.

1379. What would be the weight?—Some of them are two or three hundredweight.

1380. They are sold in those bales?—Yes.

1381. Without being unpacked?—Yes, they are hydraulic-pressed bales.

1382. I presume it would greatly interfere with the rapid handling of them if they were to be unpacked?—Yes, it would.

1383. So that even if they were compelled to mark the bands that go round them it would be still their interest to keep those bands on rather than endeavour to sell in bulk?—Yes.

1384. Generally is it your opinion, as other witnesses have told us with regard to the marking of meat, that whatever system of marking is adopted, it must possess the qualifications of being simple and effective, and be such as that it should not deteriorate the article which is marked?—That is my view.

1385. You think the suggestions you have made to the Committee would carry out those views?—Yes, I think they would.

1386. You are satisfied it would neither deteriorate the quality nor be an undue burden on the producer and shipper to this country?—I think not.

1387. Another suggestion has been made to the Committee upon which we should like to have your opinion, namely, that those who deal in foreign goods should be compelled to put up a label over their shop to that effect; do you think that a good suggestion?—I think so, setting out the marks of the various products, that is to say, describing the various marks which should appear on foreign and Colonial products.

1388. So that a consumer asking to see the list of marks would at once be able to identify where the article came from?—Exactly; it is a means of educating the consumer to these marks.

1389. Do you think an exhaustive list of the various trades marks could be made?—No; I should suggest that it should only refer to those articles which are sold in the particular shop; for instance, the provision merchant's shop in this case.

Earl of *Winchilsea and Nottingham.*

1390. With regard to the marking of margarine, there is no other object in marking it yellow except that it may pass for butter, is there?—I think not; that is the object of colouring it.

1391. If it is sold honestly as margarine is it not any advantage to colour it?—No, there is no advantage in colouring it beyond the chance of its passing as butter and appearing like butter on the table.

1392. Then the effect of insisting as you propose that it should not be coloured at all would not interfere with any legitimate trade in margarine?—Not at all; I do not see any reason why it should be coloured any more than lard.

1393. English butter is very often coloured now, is it not?—It is, but not much; that is dying out.

1394. Is it not the fact that consumers like to have butter the same colour all the year round?—Yes, that is a great feature in butter making.

1395. Is it not the fact that at certain times of the year butter is higher coloured naturally than at others?—It is so.

1396. Is it not the practice to make up the deficiency of colour with some harmless ingredient like annatto?—It is; I have tried it years ago, but I find the colouring does not come out to appear natural in the butter; it gives a sort of streaky appearance to it when not imparted in the milk.

1397. With regard to the colouring of butter, you do not seriously contemplate butter being coloured blue or green or anything of that kind, do you?—No, I do not.

1398. You merely contemplate making it a deeper shade of yellow?—A much deeper shade of yellow.

Lord *De L'Isle and Dudley.*

1399. You say that straw has been imported during the current year. I never heard of its being imported before. Has any great quantity of straw been brought in. Where does it come from?—I have had some from the Persian Gulf and Holland.

1400. Is that wheat straw, or barley?—Wheat straw.

1401. Is there any barley straw imported?—I have heard of both barley and oat straw being imported.

1402. Not to a great extent?—No; in some cases samples have been sent forward.

1403. Is there any regular trade in it?—Yes, I think so, and it will increase.

Lord *Ribblesdale.*

1404. What sort of straw is it, is it good long straw?—Yes, I have seen it about London in carts.

1405. Is it a good colour?—Yes, it is a good colour; it is beautiful straw just with the ears taken off. I think we shall see a great deal of it this autumn again, because English straw will be very dear.

Lord *De L'Isle and Dudley.*

1406. Have you used it for feeding purposes?—Yes, as cut chaff.

Lord *Lawrence.*

1407. With regard to colour, do you seriously think you could colour milk?—Yes.

Lord *Lawrence*—continued.

1408. You say you would not advocate anything that would deteriorate the value of the article?—I would not.

1409. Do you mean to say it would not deteriorate milk to colour it?—That would be a question for scientific people to answer; but I know very well that colouring is used a great deal in all kinds of food.

Chairman.

1410. With regard to colouring butter as you proposed, is it not the fact that natural butter, without any colouring, is sometimes of a very deep yellow colour, almost orange?—Yes; that would be the case with butter from Jersey cows.

1411. What shades of yellow do you propose the foreign butter could be brought to?—I would have it a deeper yellow than anything that would be likely to be made in England.

1412. Do you think it is possible to get it a deeper yellow, which would not be almost brown?—Yes.

Earl of *Winchilsea and Nottingham.*

1413. The deeper the yellow becomes the more popular it would be, would it not?—I do not find it so as a rule.

Lord *De L'Isle and Dudley.*

1414. Carrot juice is sometimes used to colour butter, is it not?—Yes; carrots are used.

Earl of *Winchilsea and Nottingham.*

1415. Let me ask one question as to what you said about foreign milk not being inspected in the same way as ours is. Do you think it is safe to allow fresh milk to be imported into the English market at all from foreign countries, or do you think that it ought to be sterilized to make it safe from the point of view of the public health?—I am sure it should not be admitted into England without some process or other being carried out. We have no safeguard for milk from abroad. A great quantity of it was brought to London last winter.

1416. Approaching the question from the point of view of the Committee, what I am asking is this: if it is unsafe to import fresh milk, it has to be sterilized, and in order to keep it sterilized you have to import it in air-tight tins, have you not?—Yes.

1417. Those tins it would be possible to mark, I suppose?—Yes; they could be marked.

1418. Sterilized milk is always imported in tins, is it not?—It is generally in tins.

1419. Is it not the case that sterilized milk is more liable to contract germs even than fresh milk if it is not imported in tins?—I could not say as to that, but the idea is that it is presumed a safeguard to the consumer having it sterilized.

1420. From the point of view of public health you think all milk coming from abroad ought to be sterilized because we have not the same means of safeguarding it as we have with regard to milk in this country?—Most certainly.

1421. If it were so sterilized it would be imported in tins?—Yes.

1422. And if it were imported in tins it would be possible to mark the tins?—Yes.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday the 9th of July.

APPENDIX

LIST OF APPENDIX.

Appendix A.

PAGE.

Paper handed in by the Lord Belper - - - - - - - - - - - 73

Appendix B.

Paper handed in by the Chairman - - - - - - - - - - - - 74

Appendix C.

Papers handed in by the Chairman:

I.—Statement showing the Quantities and Values of Butter, Margarine, Cheese, Milk (Condensed), and Eggs Imported into the United Kingdom from various Foreign Countries and British Possessions during the Year 1893 - - - 77

II.—Statement showing the Quantities and Values of Raw Fruits and Vegetables, and Edible Nuts, Imported into the United Kingdom from various Foreign Countries and British Possessions during the Year 1893 - - - - - - - 78

III.—Statement showing the Quantities and Values of the various Descriptions of Raw Fruits, included in Table II. under the head of "Fruit, Raw, Other Kinds," imported into the United Kingdom from various Foreign Countries and British Possessions, during the Year 1893 - - - - - - - - - 80

IV.—Statement showing the Quantities and Values of Hay and Straw imported into the United Kingdom from various Foreign Countries and British Possessions, during the Year 1893 - - - - - - - - - - - - 82

V.—Statement showing the Quantities of Hay and of the various Descriptions of Raw Fruit imported into the United Kingdom, in each of the Years 1891, 1892, and 1893 - - - - - - - - - - - - - - - 83

VI.—Statement showing the Quantity of Hay imported into the United Kingdom, during each of the first Three Months of the Years 1893 and 1894 - - - 83

APPENDIX.

Appendix A.

PAPER handed in by the Lord *Belper*, 4 June 1894.

Dear Lord Belper, 32, Cadogan-square, 9 May 1894.

Major Stacpole, Inspector of Army Rations, is on my staff. His powers extend over all but one district in England. He is empowered, subject to my approval, to levy a fine not exceeding 10*l.*, under the terms of the contract, when the conditions of the contract are not fulfilled. When he was first appointed five years ago, fines over 100*l.* in one month were inflicted, because the Army was supplied, unbeknown to ourselves, with a large amount of bull and cow meat, as well as frozen and refrigerated for English meat.

The amount of fines has diminished from over 100*l.* a month to nil during the present year.

The reason is that the Army has an expert able to prevent fraud, and to detect at a glance the difference between good and inferior, between English and foreign, meat. A case occurred in the West End of London in March, which is interesting. Some meat was rejected at a military hospital by Major Stacpole, and as the meat had to be replaced at once, a man proceeded to the butcher, and purchased the quantity required of roasting meat of the best quality.

Another expert accompanied Major Stacpole to the butcher's shop, and after having been informed that the meat had gone, they asked to be shown the piece from which the steak had been cut. A small piece, refrigerated, was shown, with the remark, "This is all that is left," and that the price charged was 14*d.* per pound.

Major Stacpole asked what meat it was, whether it was Scotch, and the reply was, "I do not know; it is home killed."

These two officers then said it was refrigerated; and that 14*d.* per pound was too much to charge for refrigerated meat. The lady cashier and the assistant assured them it was home killed. The officers then went to the hospital and inspected the meat, which was refrigerated.

They were shown several quarters of meat hanging up in the shop which were undoubtedly refrigerated, but which the assistants stated to be home killed.

In this case there was nothing actionable, because the order for the purchase did not specify prime English meat.

So much for what has occurred, and does occur every hour of the day, in town and country alike.

The question is how to stop the public from being placed in a worse position than the Army. Major Stacpole offers the following suggestion:—

That butchers should be legally bound to placard their meat, and that two or three experts should have a roving commission to see there is no false placarding.

To show the value of this suggestion, a leading butcher in the West End has lately adopted this proposal, placarding every joint in his shop, and has sent circulars to his customers drawing attention to the increased demand for foreign meat, and giving a list of the different prices.

Yours, &c.
(signed) *Methuen*

Appendix B.

PAPER handed in by the *Chairman*, 4 June 1894.

My Lord, 25 May 1894.

In reply to your letter of the 16th instant, I have to acquaint you that it is not the practice to detain packages of goods under the Merchandise Marks Acts merely for bearing addresses on the outer coverings.

I enclose copies of our General Orders which bear on this point, and so far as baskets conveying fruit from abroad to English markets are concerned, I do not know that I can usefully add anything to the letter of the 2nd August 1890 from this department, addressed to Mr. Knatchbull-Hugessen, of which you sent me a copy.

Your Lordship asks for the reasons which actuated my Board "in declining to put the Merchandise Marks Act into operation," to exclude fruit baskets such as those referred to in the above correspondence, but it can hardly be said that we *declined* to put the Act into operation, when it was not held that the Act applied in the circumstances of these particular cases.

If it could be shown that foreign fruit was exposed for sale in this country in the baskets in which it is imported with the address marks upon them, and that these addresses influenced the purchaser so as to convey to him the belief that he was buying fruit of British origin, a case might be made out for considering the refusal of packages of fruit so addressed without an addition to the addresses that the fruit was of foreign origin, or a case might be made out for the intervention of the Board of Trade under the Act of 1891; but in the former instance we should require some definite information to be furnished to us before detaining the packages.

I am, &c.

The Earl of Onslow. (signed) *Horace Seymour.*

Secy. Customs.
No. $\frac{662}{1888.}$

GENERAL ORDER $\frac{14}{1888.}$

Custom House, London,
4 February 1888.

Sir,

With reference to paragraph (*b*) of the 5th Section of the Merchandise Marks Act, 1887, I am desired to acquaint you that a name of a port or place of destination applied to mere packing cases, in which goods are clearly not intended to be sold, or exposed for sale, either wholesale or retail, will not render the goods liable to detention; but, where a package containing goods is not of this description, the port or place of destination should be accompanied by a definite indication of the country of origin.

I am, &c.

To the Collector. (signed) *E. Goodwyn.*

Secy. Customs.
No. $\frac{1635}{1888.}$

GENERAL ORDER $\frac{26}{1888.}$

Custom House, London,
10 March 1888.

Sir,

I am further to acquaint you that the last clause of General Order $\frac{14}{1888}$ is not to be read as applying to the names of ports of unshipment, used for the mere purpose of indicating where the goods are to be unladen, as required frequently in bills of lading, whatever may be the description of package used. The officers are to exercise their discretion in distinguishing whether those names are used solely for the purpose specified above.

I am, &c.

To the Collector. (signed) *R. T. Prowse.*

Secy. Customs,
No. 9080/1888.

GENERAL ORDER, 44/1888.

Custom House, London,
9 April 1888.

Sir,

With reference to Section 33 of the General Order 99/1887, I am desired to acquaint you that packages used for the importation from any place of natural flowers, fresh fruit, vegetables and potatoes, and bearing upon them marks which the officers are satisfied are merely address marks, such as "Wm. Evans, Leeds," "Thos. Jones, London," are to be treated as packing cases to which the provisions of the General Orders 14 and 26/1888 apply, and are not to be detained under the Merchandise Marks Act on account of such marks only.

Moreover, packages of the above description coming from the Channel Islands, Malta, Gozo, and Gibraltar, and bearing on them, in addition to address marks, any words in the English language describing the goods contained in the packages, are not to be detained on this account, provided such words do not constitute a trade mark, nor include the name of a place in the United Kingdom to which the General Orders quoted above do not apply.

I am, &c.
(signed) *R. T. Prowse.*

To the Collector.

KENT FRUIT GROWERS' ASSOCIATION.

Dear Sir, Sittingbourne, 29 July 1890.

At a meeting of this Association held last week (a report of which meeting I send you pinned on this letter and cut out of the "East Kent Gazette"), I was requested to write and place certain facts before you, and request your advice thereon as to whether any good could be done by asking a question in the House of Commons or by inquiries made by you of the Commissioners of Customs or by any other means you might kindly suggest or think proper.

The point is as to whether the Customs Authorities at the port of importation should not, under Section 16 of the Merchandise Marks Act, 1887, refuse the importation of foreign fruit packed in English half-sieves and bearing upon them (the sieves) the names of English salesmen, such packages being unaccompanied "by a definite indication of the country in which the goods were . . . . produced." I enclose copy of Section 16 of the Act.

The facts are shortly these: On the first of this month Mr. Berry, of Selling (who was in error thought to be the Secretary of our Association) received from Paris an anonymous telegram, of which the following is a copy:—"To Berry, Kentish Farmers' Association, "Faversham, Kent. Foreign produce, currants, cherries, packed in English baskets, "sold as English, coming *viâ* Folkestone, should be stopped under Merchandise Marks "Act." Mr. Berry thereupon sent a telegram as follows:—"To Chief Customs Officers, "Folkestone. Am advised quantity foreign produce left France *viâ* Folkestone consisting "cherries and currants packed in English baskets sold in London as English fruit should "be stopped under Merchandise Marks Act. Please let me know what action you take "and if you want any evidence.—*Walter Berry*, Selling, Kent, Secretary, Kent Fruit "Growers' Association." In reply to that telegram Mr. Berry received a letter from the Customs Offices at Folkestone, as follows:—"Custom House, Folkestone, 1 July 1890. "Sir,—In reply to your telegram of this afternoon, I beg to state that the currants and "cherries therein referred to will be detained, provided the packages are found to bear "marks infringing the Merchandise Marks Act, and the directions of the Commissioners "of Customs will be requested as to their being released. At the same time I take the "liberty of saying that hitherto it has not been found necessary to detain any similar "consignments because the packages have not been considered to bear any marks to "which exception could be taken, nor did they give any indication that the contents were "English produce. I am, &c. (signed) *D. D.* (signature illegible). Chief Customs "Clerk.—W. Berry, Esq."

Mr. Berry afterwards went to Folkestone and made inquiries as to above-mentioned consignments, and found that the half-sieves in question had painted round them in the usual way the name of "Skinner & Sons," the salesmen of Covent Garden, and that the half-sieves bore no indication of the foreign origin of the fruit.

Putting aside all other matters referred to in the above-mentioned report sent herewith, it was thought at the meeting that some steps should be taken to ascertain whether foreign fruit so packed and imported ought not to be detained by order of the Commissioners of Customs in accordance with Section 16 of the Act, which it seems in spirit, if not in letter, should cover the case.

I, or Mr. Berry, would be happy to wait on you and give you any further information on the subject if you think you can assist the Association in the matter.

I am, &c.
(signed) *Harry Greensted*,
Secretary.

H. Knatchbull-Hugessen, Esq., M.P.,
&c. &c. &c.

Custom House, London,
2 August 1890.

Sir,

I AM desired by the Board of Customs to acknowledge the receipt of your letter of the 30th ultimo, and to acquaint you in reply, that the requirement under Section 16 of the Merchandise Marks Act, 1887, that the name of a trader in the United Kingdom should be accompanied by a definite indication of the country of manufacture applies only when such name is borne on goods of foreign manufacture, and not when it is borne on packages bearing raw produce such as raw fruit.

Moreover, mere address marks on outer packages are not treated as coming within the operation of the Act.

I am to add that fruit imported into this country packed in a particular manner or in a particular shape would not be amenable to the Act merely on account of the mode of packing or shape of package.

It is within the power of the Kent Fruit Growers' Association to take such steps as they may be advised against fruit sellers or other persons who expose foreign fruit for sale with marks or trade descriptions which are added subsequently to importation and are false within the meaning of Section 3 of the Act.

The communication enclosed in your letter is herewith returned.

I am, &c.
(signed) *Howard Payn.*

H. Knatchbull-Hugessen, Esq., M.P.,
&c. &c. &c.

Appendix C.

PAPERS handed in by the *Chairman*.

I.—STATEMENT showing the Quantities and Values of Butter, Margarine, Cheese, Milk (Condensed), and Eggs Imported into the United Kingdom from the undermentioned Foreign Countries and British Possessions during the Year 1893.

Countries from which Imported.	Quantities.					Value.				
	Butter.	Margarine.	* Cheese.	Milk (Condensed).	Eggs.	Butter.	Margarine.	* Cheese.	Milk (Condensed).	Eggs.
Foreign Countries.	*Cwts.*	*Cwts.*	*Cwts.*	*Cwts.*	*No.*	£.	£.	£.	£.	£.
Russia	53,880	98	–	487	182,953,800	270,013	205	–	755	426,106
Sweden	267,401	170	–	2,219	3,269,640	1,452,099	644	–	4,741	8,792
Norway	22,576	14,011	–	44,705	–	119,399	38,761	–	94,813	–
Denmark	934,787	307	–	–	130,681,56 0	5,278,875	880	–	–	376,793
Germany	164,985	12,111	2,965	5,384	255,498,480	830,706	32,556	7,995	7,958	618,631
Holland	142,311	1,229,737	269,364	152,645	3,619,440	763,837	3,416,497	676,001	288,739	10,914
Belgium	34,049	1,784	15,829	19,139	244,883,040	178,343	4,618	39,945	35,745	682,636
France	468,317	41,302	58,346	264,285	458,476,320	2,679,120	160,377	181,763	550,422	1,611,495
Portugal	–	–	–	–	6,361,680	–	–	–	–	20,394
Spain	–	–	–	–	5,010,600	–	–	–	–	16,975
Turkey	–	–	–	–	975,240	–	–	–	–	2,434
Morocco	–	–	–	–	1,965,960	–	–	–	–	4,683
United States	22,930	350	645,235	9,551	3,623,160	104,220	605	1,578,531	22,197	10,757
Other Foreign Countries	1,131	13	1,875	1,605	174,960	5,579	26	4,394	2,648	484
Total, Foreign Countries	2,112,867	1,299,883	993,614	500,020	1,297,493,880	11,682,251	3,655,169	2,488,629	1,008,018	3,791,094
British Possessions.										
Australasia:										
New South Wales	19,805	2	–	–	–	101,345	4	–	–	–
South Australia	1,825	–	–	–	–	9,615	–	–	–	–
Victoria	105,994	–	–	–	–	547,178	–	–	–	–
Total, Australia	127,624	2	–	–	–	658,138	4	–	–	–
New Zealand	41,815	–	37,043	–	–	212,536	–	96,139	–	–
Canada	43,160	–	1,046,704	–	24,884,880	194,924	–	2,575,893	–	75,506
Channel Islands	310	7	–	–	2,714,040	1,698	20	–	–	7,888
Gibraltar	–	–	–	–	422,160	–	–	–	–	1,145
British India	1,672	–	–	–	–	3,899	–	–	–	–
Other British Possessions	26	78	101	985	3,360	147	151	257	1,737	14
Total, British Possessions	214,607	87	1,043,848	985	28,024,440	1,071,342	175	2,672,289	1,737	84,553
TOTAL	2,327,474	1,299,970	2,077,462	501,005	1,325,518,320	12,753,593	3,655,344	5,160,918	1,009,755	3,875,647

* Not including artificial cheese.

Note.—The above figures are taken from the "Annual Statement of the Trade of the United Kingdom" for 1893. They might be subject to some slight rectification if the particulars for "Other Foreign Countries" and "Other British Possessions" could be further sub-divided.

II.—STATEMENT showing the Quantities and Values of Raw Fruits and Vegetables, Countries and British Possessions

COUNTRIES FROM WHICH IMPORTED.	QUANTITIES.							
	Fruit, Raw.			Nuts, Edible.		Vegetables, Raw.		
	Apples.	Oranges and Lemons.	Other Kinds.	Almonds.	Nuts used as Fruit.	Potatoes.	Onions.	Other Kinds.
FOREIGN COUNTRIES.	*Bushels.*	*Bushels.*	*Bushels.*	*Cwts.*		*Cwts.*	*Bushels.*	
Denmark	8,117	–	–	–		–	–	
Germany	59,977	8,833	334,393	653		32,698	173,238	
Holland	587,663	–	447,050	–		153,929	867,588	
Belgium	1,010,440	–	563,318	–		460,170	142,562	
France	564,035	20,481	1,040,424	13,011		886,353	803,341	
Portugal	95,157	166,468	62,987	7,767		25,639	407,576	
Azores	–	40,072	52,696	–		–	–	
Madeira	–	–	40,534	–		–	–	
Spain	–	3,695,045	1,204,602	52,687		10,998	1,193,963	
Canary Islands	–	–	251,970	2,282		58,526	–	
Italy	–	1,384,745	–	34,870		–	–	
Austrian Territories	–	–	–	–		–	–	
Roumania	–	–	–	–		–	–	
Turkey	–	152,239	–	779		–	44,412	
Egypt	–	95,673	–	–		–	997,648	
Morocco	–	–	–	18,113		–	–	
Persia	–	–	–	168		–	–	
United States	475,274	52,201	9,285	–		–	–	
Chile	–	–	–	–	Entered at Value.	–	–	Entered at Value.
Brazil	–	27,999	–	–		–	–	
Other Foreign Countries	4,416	11,156	6,517	389		4,384	27,672	
TOTAL Foreign Countries	2,805,079	5,654,912	4,013,776	130,719		1,632,697	4,658,000	
BRITISH POSSESSIONS.								
Channel Islands	48,536	–	67,629	–		1,140,922	–	
Gibraltar	–	635	–	170		–	–	
Malta	–	6,323	–	–		54,461	7,758	
Cape of Good Hope and Natal	–		7,130	–		–	–	
British East Indies	–	–	–	–		–	–	
British West Indies	–	–	4,325	–		–	–	
British Guiana	–	–	–	–		–	–	
Australasia:								
Tasmania	121,314	–	–	–		–	–	
Other Australian Colonies	1,715	–	–	–		–	–	
Canada	482,997	–	–	–		–	–	
Other British Possessions	343	12,877	3,941	504		45	6,051	
TOTAL British Possessions	654,905	19,835	83,025	674		1,195,428	13,809	
TOTAL	3,459,984	5,674,747	4,096,801	131,393		2,828,125	4,671,809	

Note.—The above figures are taken from the "Annual Statement of the Trade of the United Kingdom" for 1893. They might be subject to some slight rectification if the particulars for "Other Foreign Countries" and "Other British Possessions" could be further sub-divided.

and EDIBLE NUTS, Imported into the United Kingdom from the undermentioned Foreign during the Year 1893.

VALUES.								COUNTRIES FROM WHICH IMPORTED.
Fruit, Raw.			Nuts, Edible.		Vegetables, Raw.			
Apples.	Oranges and Lemons.	Other Kinds.	Almonds.	Nuts used as Fruit.	Potatoes.	Onions.	Other Kinds.	
£.	£.	£.	£.	£.	£.	£.	£.	FOREIGN COUNTRIES.
2,114	–	–	–	–	–	–	4,924	Denmark.
15,378	3,963	112,375	1,652	2,616	6,296	35,140	33,261	Germany.
117,912	–	154,689	–	4,854	24,063	132,255	123,099	Holland.
205,249	–	169,757	–	10,038	56,060	23,603	14,329	Belgium.
109,284	11,959	608,834	32,671	174,813	222,357	108,724	352,478	France.
20,820	43,574	25,751	16,883	–	10,878	78,167	9,679	Portugal.
–	9,413	49,154	–	–	–	–	–	Azores.
–	–	18,221	–	–	–	–	2,926	Madeira.
–	1,106,569	468,323	172,383	151,096	3,604	191,655	100,783	Spain.
–	–	107,972	8,281	–	31,702	–	57,067	Canary Islands.
–	399,419	–	101,844	15,791	–	–	23,357	Italy.
–	–	–	–	–	–	–	26,824	Austrian Territories.
–	–	–	–	–	–	–	2,005	Roumania.
–	53,280	–	2,230	4,175	–	10,171	–	Turkey.
–	36,326	–	–	1,380	–	196,163	–	Egypt.
–	–	–	46,881	–	–	–	–	Morocco.
–	–	–	606	–	–	–	–	Persia.
143,777	20,432	5,064	–	6,565	–	–	39,577	United States.
–	–	–	–	65	–	–	–	Chile.
–	8,542	–	–	44,552	–	–	–	Brazil.
1,123	3,454	2,178	1,144	2,479	1,487	4,976	3,070	Other Foreign Countries.
615,657	1,696,931	1,722,318	384,575	418,424	356,447	780,854	793,379	TOTAL Foreign Countries.
								BRITISH POSSESSIONS.
11,954	–	118,357	–	–	520,459	–	277,950	Channel Islands.
–	196	–	359	–	–	–	–	Gibraltar.
–	2,538	–	–	–	30,014	1,384	–	Malta.
–	–	5,367	–	–	–	–	1,571	Cape of Good Hope and Natal.
–	–	–	–	55,447	–	–	–	British East Indies.
–	–	2,487	–	46,913	–	–	–	British West Indies.
–	–	–	–	616	–	–	–	British Guiana.
								Australasia :
61,367	–	–	–	–	–	–	–	Tasmania.
810	–	–	–	–	–	–	–	Other Australian Colonies.
153,604	–	–	–	–	–	–	3,517	Canada.
140	4,096	3,293	1,896	1,562	32	1,167	332	Other British Possessions.
227,875	6,830	129,504	2,255	104,538	550,505	2,551	283,370	TOTAL British Possessions.
843,532	1,703,761	1,851,822	386,830	522,962	906,952	783,405	1,076,749	TOTAL.

III.—STATEMENT showing the Quantities and Values of the various descriptions of into the United Kingdom from the undermentioned Foreign

COUNTRIES FROM WHICH IMPORTED.	QUANTITIES.					
	Cherries, Raw.	Grapes, Raw.	Pears.	Plums.	Unenumerated.	TOTAL.
FOREIGN COUNTRIES.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Germany	30,842	254	38,905	188,710	75,682	334,393
Holland	120,181	1,317	54,288	122,073	149,191	447,050
Belgium	20,717	8,302	372,880	138,569	22,850	563,318
France	174,408	2,815	429,928	327,461	105,812	1,040,424
Portugal	–	57,040	–	–	5,947	62,987
Azores	–	–	–	–	52,696	52,696
Madeira	–	–	–	–	40,534	40,534
Spain	–	853,859	–	–	350,743	1,204,602
Canary Islands	–	–	–	–	251,970	251,970
United States	–	–	3,698	–	5,587	9,285
Other Foreign Countries	–	1,553	984	161	3,819	6,517
TOTAL, Foreign Countries	346,148	925,140	900,683	776,974	1,064,831	4,013,776
BRITISH POSSESSIONS:						
Channel Islands	–	48,738	14,121	–	4,770	67,629
Cape of Good Hope and Natal	–	4,188	–	–	2,942	7,130
British West Indies	–	–	–	–	4,325	4,325
Other British Possessions	–	439	408	168	2,926	3,941
TOTAL, British Possessions	–	53,365	14,529	168	14,963	83,025
TOTAL	346,148	978,505	915,212	777,142	1,079,794	4,096,801

Note.—The above figures are taken from the "Annual Statement of the Trade of the United Kingdom" for 1893. They might be subject to some slight rectification if the particulars for "Other Foreign Countries" and "Other British Possessions" could be further sub-divided.

RAW FRUITS, included in TABLE II. under the head of "Fruit, Raw, Other Kinds," imported Countries and British Possessions, during the Year 1893.

VALUES.						COUNTRIES FROM WHICH IMPORTED.
Cherries, Raw.	Grapes, Raw.	Pears.	Plums.	Unenumerated.	TOTAL.	
£.	£.	£.	£.	£.	£.	FOREIGN COUNTRIES.
10,896	179	11,890	47,049	42,361	112,375	Germany.
45,733	1,052	15,498	37,757	54,649	154,689	Holland.
7,165	8,893	105,227	41,564	6,908	169,757	Belgium.
130,790	2,038	203,135	204,774	68,097	608,834	France.
–	22,809	–	–	2,942	25,751	Portugal.
–	–	–	–	49,154	49,154	Azores.
–	–	–	–	18,221	18,221	Madeira.
–	389,980	–	–	78,343	468,323	Spain.
–	–	–	–	107,972	107,972	Canary Islands.
–	–	1,895	–	3,169	5,064	United States.
–	419	386	82	1,291	2,178	Other Foreign Countries.
194,584	425,370	338,031	331,226	433,107	1,722,318	- TOTAL, Foreign Countries.
						BRITISH POSSESSIONS.
–	101,290	8,820	–	8,247	118,357	Channel Islands.
–	3,470	–	–	1,897	5,367	Cape of Good Hope and Natal.
–	–	–	–	2,487	2,487	British West Indies.
–	318	338	396	2,241	3,293	Other British Possessions.
–	105,078	9,158	396	14,872	129,504	- TOTAL, British Possessions.
194,584	530,448	347,189	331,622	447,979	1,851,822	- - - TOTAL.

IV.--STATEMENT showing the Quantities and Values of HAY and STRAW imported into the United Kingdom from the undermentioned Foreign Countries and British Possessions, during the Year 1893.

COUNTRIES FROM WHICH IMPORTED.	QUANTITIES.		VALUES.	
	Hay.	Straw.	Hay.	Straw.
	Tons.	*Tons.*	£.	£.
Russia	27,694	—	150,318	—
Norway	1,674	—	8,138	—
Denmark	4,252	4,666	20,658	12,866
Germany	2,188	5,935	11,266	15,747
Holland	28,332	12,907	150,726	34,143
Belgium	3,436	258	19,479	841
France	1,234	2,679	6,257	6,807
Algeria	731	414	3,217	1,102
United States	101,132	424	506,564	1,324
Chile	3,614	—	19,977	—
Argentine Republic	24,594	—	132,794	—
Other Foreign Countries	661	21	3,507	93
TOTAL, Foreign Countries	199,542	27,304	1,032,901	72,923
Canada	63,175	—	348,043	—
Other British Possessions	333	33	1,868	123
TOTAL, British Possessions	63,508	33	349,911	123
TOTAL	263,050	27,337	1,382,812	73,046

Note.—The above figures are taken from the "Annual Statement of the Trade of the United Kingdom" for 1893. They might be subject to some slight rectification if the particulars for "Other Foreign Countries" and "Other British Possessions" could be further subdivided.

V.—STATEMENT showing the Quantities of HAY and of the various descriptions of RAW FRUIT imported into the United Kingdom, in each of the Years 1891, 1892 and 1893.

	QUANTITIES.			VALUES.		
	1891.	1892.	1893.	1891.	1892.	1893.
				£.	£.	£.
Hay - - - - - - *Tons*	Not separately enumerated.	61,237	263,050	Not separately enumerated.	259,593	1,382,812
Raw Fruit :						
Apples - - - *Bushels*	3,147,373	4,514,700	3,459,984	1,033,997	1,353,812	843,532
Oranges - - - „	5,178,676	6,763,276	4,593,127	1,591,052	2,052,561	1,368,857
Lemons - - - „			1,081,620			334,904
Other kinds :						
Cherries - - - *Bushels*	3,490,226	216,990	346,148	1,762,406	134,847	194,584
Grapes (raw) - - „		761,968	978,505		393,644	530,448
Pears - - - - - „		637,211	915,212		296,547	347,189
Plums - - - - - „		412,984	777,142		199,854	331,622
Raw fruit, unenumerated „		841,022	1,079,794		388,141	447,979
TOTAL "other kinds" - - -	3,490,226	2,870,175	4,096,801	1,762,406	1,413,033	1,851,822

VI.—STATEMENT showing the Quantity of HAY imported into the United Kingdom, during each of the first Three Months of the Years 1893 and 1894.

	QUANTITY.	
	1893.	1894.
	Tons.	*Tons.*
January - - - - - - - -	8,368	31,967
February - - - - - - - -	9,248	26,745
March - - - - - - - -	12,474	41,132
TOTAL - - -	30,090	99,844

R E P O R T

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES,

ON THE

NOTICE OF ACCIDENTS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

149.

REPORT - - - - - - - - - - - - - - - - p. 5

PROCEEDINGS OF THE COMMITTEE - - - - - - - - p. 6

1894.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES.

[*Tuesday*, 10*th April* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had nominated the following Members to serve on the Standing Committee for the consideration of all Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures, which may, by Order of the House, be committed to such Standing Committee.

Committee nominated of—

Mr. Addison.
Mr. Arch.
Mr. Barran.
Sir Michael Hicks Beach.
Mr. Blake.
Mr. Bonsor.
Mr. Boord.
Mr. Brown.
Mr. Burt.
Mr. Caine.
Mr. Campbell-Bannerman.
Mr. Chamberlain.
Mr. Channing.
Mr. Jesse Collings.
Mr. Colman.
Sir Charles Dalrymple.
Baron Henry De Worms.
Sir Frederick Dixon-Hartland.
Mr. Everett.
Mr. Charles Fenwick.
Mr. Hayes Fisher.
Mr. Penrose FitzGerald.
Mr. Gilliat.
Sir Julian Goldsmid.
Mr. Goschen.
Mr. Gourley.
Sir Reginald Hanson.
Mr. Harrington.
Sir John Hibbert.
Sir William Houldsworth.
Mr. Howell.
Mr. Jackson.
Sir James Joicey.
Mr. Long.
Sir John Lubbock.
Mr. Macartney.
Dr. M'Donnell.
Mr. Mowbray.
Mr. Mundella.
Mr. Murray.
Mr. Naoroji.
Sir Stafford Northcote.
Mr. T. P. O'Connor.
Mr. Oldroyd.
Sir Richard Paget.
Sir Joseph Pease.
Mr. Power.
Mr. Randell.
Mr. Rankin.
Mr. Rathbone.
Mr. Roche.
Mr. Round.
Colonel Saunderson.
Mr. Sexton.
Mr. Thomas Shaw.
Mr. Samuel Smith.
Mr. Solicitor General.
Sir Mark Stewart.
Mr. T. D. Sullivan.
Mr. Tomlinson.
Sir George Trevelyan.
Sir Richard Webster.
Mr. Webster.
Sir James Whitehead.
Mr. Stephen Williamson.
Mr. C. H. Wilson.
Mr. John Wilson (Govan).
Mr. Young.

[*Friday*, 13*th April* 1894]:—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on

Trade (including Agriculture and Fishing), Shipping, and Manufactures :—Sir John Lubbock ; and had appointed in substitution : Mr. Heneage.

[*Monday, 7th May* 1894] :—Sir John Mowbray reported from the Committee of Selection; That they had discharged the following Members from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures :—Sir Richard Webster, and Sir Michael Hicks Beach ; and had appointed in substitution : Sir Edward Clarke and Mr. Bulnois.

[*Tuesday, 22nd May* 1894] :—Notice of Accidents [Expenses],—Resolution reported :—" That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Expenses of the Board of Trade in the execution of any Act of the present Session for providing for notice of and inquiry into Accidents occurring in certain Employments and Industries."

Resolution *agreed to.*

[*Wednesday, 23rd May* 1894] :—That all Standing Committees have leave to print, and circulate with the Votes, the Minutes of their Proceedings, and any amended clauses of Bills committed to them.

[*Friday, 25th May* 1894] :—Sir John Mowbray reported from the Committee of Selection ; That they had added to the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures, the following Fifteen Members in respect of the Notice of Accidents Bill :—Mr. John Aird, Mr. Albert Bright, Mr. Bryce, Mr. John Burns, Mr. Condon, Mr. Dalziel, Mr. Keir-Hardie, Sir Alfred Hickman, Mr. Mather, Mr. D. R. Plunket, Mr. George Russell, Mr. T. H. Sidebottom, Mr. Wolff, Mr. Woods, and Mr. Wrightson.

Sir John Mowbray reported from the Committee of Selection ; That they had discharged the following Member from the Standing Committee on Trade (including Agriculture and Fishing), Shipping, and Manufactures :—Mr. Solicitor General ; and had appointed in substitution : Mr. Robert Reid.

[*Friday, 25th May* 1894] :—Sir Henry James reported from the Chairman's Panel : That they had appointed Mr. Stansfeld to act as Chairman of the Standing Committee for the consideration of Bills relating to Law, and Courts of Justice, and Legal Procedure, in the place of Mr. Arthur O'Connor : and that they had appointed Mr. Arthur O'Connor to act as Chairman for the consideration of Bills relating to Trade (including Agriculture and Fishing), Shipping, and Manufactures : and that they had appointed Sir Matthew White Ridley to act as Chairman for the consideration of Bills committed to the Standing Committee (Scotland).

Report to lie upon the Table.

REPORT.

THE STANDING COMMITTEE on TRADE (including AGRICULTURE and FISHING), SHIPPING, and MANUFACTURES, to whom the NOTICE OF ACCIDENTS BILL was referred;——HAVE gone through the BILL, and made Amendments thereunto.

5 *June* 1894.

STANDING COMMITTEE ON TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES.

Tuesday, 5th June 1894.

MEMBERS PRESENT:

Mr. ARTHUR O'CONNOR in the Chair.

Mr. John Aird.
Mr. Boulnois.
Mr. Albert Bright.
Mr. Bryce.
Mr. John Burns.
Mr. Burt.
Mr. Colman.
Mr. Condon.
Mr. Everett.
Mr. Hayes Fisher.
Mr. R. U. Penrose FitzGerald.
Mr. Gourley.
Sir Reginald Hanson.
Mr. Heneage.
Sir Alfred Hickman.
Sir William Houldsworth.
Mr. Mather.
Mr. Mowbray.
Mr. Mundella.
Mr. Naoroji.
Mr. Oldroyd.
Mr. Rathbone.
Mr. George Russell.
Mr. Tomlinson.
Mr. Webster.

NOTICE OF ACCIDENTS BILL.

Clause 1.—Amendment proposed, in page 1, line 8, to leave out the words "and doing five hours work on any"—(Mr. *Tomlinson*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 1, lines 8 and 9, to leave out the words "day during the next three days," and insert the words "one of the three days next"—(Mr. *Burt*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question, That the words "one of the three days next" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 11, after the word "after," to insert the words "receiving information of or otherwise becoming acquainted with"—(Mr. *Tomlinson*).—Question proposed, That those words be there inserted.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 1, line 10, to leave out the words "may be," in order to insert the word "possible"—(Mr. *Bryce*).—Question, That the words "may be" stand part of the Clause,—put, and *negatived.*

Question, That the word "possible" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 10, after the word "and," to insert the words "in the case of an accident not resulting in death"—(Mr. *Bryce*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 10, to leave out the word "four" and insert the word "six"—(Mr. *Bryce*).—Question, That the word "four" stand part of the Clause,—put, and *negatived.*

Question, That the word "six" be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 12, after the word "specifying," to insert the words "to the best of his information and belief and so far as the information at his command makes it possible for him so to do"—(Mr. *Tomlinson*).—Question, That those words be there inserted,—put, and *negatived.*

Another Amendment proposed, in page 1, line 14, to leave out the words "mode in," and insert the words "work on"—(Mr. *Oldroyd*).—Question, That the words "mode in" stand part of the Clause,—put, and *negatived.*

Question,

Question, That the words "work on" be there inserted,—put, and *agreed to.*

Clause 1, as amended, *agreed to.*

Clause 2.—Amendment proposed, in page 1, line 2, to leave out Sub-section 2—(Mr. *Tomlinson*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *agreed to.*

Another Amendment proposed, in page 2, Sub-section (5), line 11, to leave out from the words "be laid" to the end of the sub-section, and insert the words "lay on the Table of each House of Parliament for forty days before it comes into force"—(Mr. *Mowbray*).—Question proposed, That the words proposed to be left out stand part of the Clause.

Amendment, by leave, *withdrawn.*

Sub-section (5) *agreed to.*

Another Amendment proposed, in page 2, to leave out Sub-section (6)—(Mr. *Burt*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Clause 2, as amended, *agreed to.*

Clause 3.—Amendment proposed, in page 2, line 20, to leave out the words "by order," and insert the words "forward a report upon the facts to a Secretary of State, who may, if he thinks it expedient so to do"—(Mr. *Tomlinson*).—Question proposed, That the words "by order" stand part of the Clause.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, in page 2, line 25, after the word "investigation," to insert the words "and may assign to any such person such remuneration as the Board, with the approval of the Treasury, determine"—(Mr. *Burt*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 23, to leave out the word "all," and insert the words "the Court may order any"—(Mr. *Burt*).—Question, That the word "all" stand part of the Clause,—put, and *negatived.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 3, line 25, after the word "assessor," to insert the words "to be paid by any person summoned before it, but subject to any such order such expenses shall"—(Mr. *Burt*).—Question, That those words be there inserted,—put, and *agreed to.*

Clause 3, as amended, *agreed to.*

Clauses 4—7, *agreed to.*

New Clause brought up and read the first and second time, as follows:—

"Nothing in this Act shall apply to any employment which is for the time being regulated by any Act of Parliament administered by the Secretary of State or by inspectors appointed by him, or shall require notice to be given of any accident of which notice is required by any other Act to be given to the Board of Trade"—(Mr. *Burt*).—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Another new Clause brought up and read the first and second time, as follows:—

"This Act shall apply in the case of accidents occurring to persons employed by a Department of the Government, and in such cases the notice to be given by the employer shall be given by such person as the Department by general rule direct"—(Mr. *Burt*).—Question, That this Clause be added to the Bill,—put, and *agreed to.*

Schedule *agreed to.*

Ordered, To Report the Bill, as amended, to the House.

REPORT

FROM THE

STANDING COMMITTEE

ON

TRADE (INCLUDING AGRICULTURE AND FISHING), SHIPPING, AND MANUFACTURES,

ON THE

NOTICE OF ACCIDENTS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
5 *June* 1894.

[*Price* 1 *d.*]

149. *Under* 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PAROCHIAL ELECTORS (REGISTRATION ACCELERATION) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*,
14 *June* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

163.

Parochial Electors (Registration Acceleration) Bill.

Ordered,—[*Monday*, 21*st May* 1894]:—That the Parochial Electors (Registration Acceleration) Bill be read a second time, and committed to a Select Committee.

Resolution of the House,—[*Tuesday*, 22*nd May* 1894]:—Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of the cost of any additional number of Revising Barristers who may be required in the present year for the purpose of accelerating the Registration of Parochial Electors in England and Wales.

Ordered,—[*Tuesday*, 29*th May* 1894]:—That the Select Committee on the Parochial Electors (Registration Acceleration) Bill be nominated of—

Mr. Billson.	Mr. Long.
Sir Charles Dilke.	Mr. Storey.
Sir John Dorington.	Mr. James Stuart.
Mr. Henry Hobhouse.	Mr. Wharton.
Mr. Shaw Lefevre.	

That Three be the Quorum of the Committee.

Ordered,—[*Friday*, 1*st June* 1894]:—That the Select Committee have power to send for Persons, Papers, and Records.

REPORT - - - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE to whom the PAROCHIAL ELECTORS (REGISTRATION ACCELERATION) BILL was referred have considered the said Bill, and have taken Evidence thereon, which they have agreed to Report to the House; and have gone through the Bill, and made Amendments thereunto.

14 *June* 1894.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 31*st May* 1894.

MEMBERS PRESENT:

Mr. Wharton.	Sir Charles Dilke.
Mr. Henry Hobhouse.	Mr. Shaw Lefevre.
Mr. Storey.	Mr. Billson.
Sir John Dorington.	Mr. Long.

Mr. SHAW LEFEVRE was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Two o'clock.

Monday, 4*th June* 1894.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir Charles Dilke.	Mr. Billson.
Sir John Dorington.	Mr. James Stuart.
Mr. Wharton.	

Mr. *Arthur Thring*, examined.

[Adjourned till Friday next, at One o'clock.

Friday, 8*th June* 1894.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. Hobhouse.	Mr. Long.
Sir John Dorington.	Mr. Billson.
Sir Charles Dilke.	Mr. James Stuart.
Mr. Wharton.	

Mr. *Frederick C. Hulton*, Mr. *Ralph Simey*, Mr. *Henry Michelmore*, and Mr. *Robert William Merriman*, were examined.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. Long.	Mr. Wharton.
Sir John Dorington.	Mr. Hobhouse.
Sir Charles Dilke.	Mr. James Stuart.
Mr. Storey,	Mr. Billson.

Preamble *postponed.*

Clause 1.—Amendment proposed, in page 1, line 9, after the word "September" to insert the words: "except that in the case of the lists of occupation voters and burgesses in a Parliamentary borough which is also a county borough, the last day shall be the same as if this Act had not passed"—(The *Chairman*).—Question, That those words be there inserted,—put, and *agreed to.*

Other Amendments made.

Another Amendment in Clause 1, page 2, line 1, to leave out from the word "shall" to the word "revise," in line 4, and insert the words "on the day he holds his court, or on the following day send to the clerk of the county council the lists revised at that court, and if there is more than one court for a polling district shall complete the revision of the lists of that polling district before holding a court for revising"—(The *Chairman*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question proposed, That the proposed words be there inserted.—Amendment proposed to proposed Admendment to leave out the words "or on the following day," and insert the words "or on any of the three days following"—(Mr. *Hobhouse*).—Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Question, That the proposed words be there inserted,—put, and *agreed to.*

Amendment, as amended, *agreed to*, and inserted.

Other Amendments made.

Clause 1, as amended, *agreed to.*

Clause 2.—Question, That the Clause stand part of the Bill,—put, and *negatived.*

Clause 3, *agreed to.*

New Clause (Adjustment of lists of voters and register)—brought up, and read the first time, as follows:—

"(1.) For the purpose of making the lists of voters and the register of parochial electors correspond with any alteration of the boundaries of a parish union or district, or any division of a parish or district into wards effected by or in pursuance of the Local Government Act, 1894, or with any alteration or division in respect of which a direction has been given by the county council under Section 84 of that Act, the clerk of the county council or town clerk, as the case may be, shall—

"(*a*) Divide or combine the lists of voters (including the list of ownership voters) or the lists forming the register of parochial electors, in such manner as they may think necessary for the purpose; and

"(*b*) Give such instructions to the overseers as they think fit to divide or combine the lists of voters (including the list of ownership voters) framed by them in cases where it is possible for the overseers to do so before the date of the delivery of the lists to the clerk of the county council, or town clerk as the case may be.

"(2.) It shall be the duty of the overseers to carry out any instructions so given by the clerk of the county council, or town clerk, and also where it is necessary for the clerk of the county council or town clerk to divide or combine any lists under this section to give them such assistance for the purpose as may be within their power"—(The *Chairman*).

Clause read a second time.—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Another new Clause (Registration of ownership voters where parish is altered)—brought up, and read the first time, as follows: "Where the name of a person is upon the existing list of ownership voters for a parish which is divided or altered by or in pursuance of the Local Government Act, 1894, the clerk of the county council shall enter the name of such person in

the list of ownership voters in each parish or portion of a parish so divided in which the qualification is situated, and it shall not be necessary for such person to claim for the purpose of having his name entered on the list of voters for such last-mentioned parish"—(Sir *John Dorington*).—Clause, by leave, *withdrawn.*

Another new Clause (Registration in case of altered parish)—brought up, and read the first time, as follows:—

"(1.) Where any person would be entitled to have his name entered on the list of parochial electors for any parish, if any alteration of area to be effected by or in pursuance of the Local Government Act, 1894, or any alteration in respect of which a direction has been given by the county council under Section eighty-four of the Local Government Act, 1894, were actually in force, that person may claim under Sub-section nine of Section forty-four of the Local Government Act, 1894, to have his name so entered, and his name shall be so entered, but until the alteration is in force he shall not be entitled to vote in respect of that entry.

"(2.) Where an ownership voter is entitled to have his name entered in the list of parochial electors for a parish by virtue only of this section, he may claim to have his name so entered by giving notice to the overseers of his claim on or before the twentieth day of August, and the Registration of Electors Acts, 1843 to 1891, and the Acts amending the same shall apply in the case of those claims as they apply to the claims of occupation voters"—(The *Chairman*).

Clause read a second time.—Question, That the Clause be added to the Bill,—put, and *agreed to.*

Preamble *agreed to.*

Ordered, To Report the Bill, as amended, together with the Minutes of Evidence, to the House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Monday, 4th June 1894.

PAGE

Mr. Arthur T. Thring - - - - - - - - - - - - - - 1

Friday, 8th June 1894.

Mr. Frederic Campbell Hulton - - - - - - - - - - - - 5

Mr. Ralph Simey - - - - - - - - - - - - - - 12

Mr. Henry Michelmore - - - - - - - - - - - - - 16

Mr. Robert William Merriman - - - - - - - - - - - - 18

MINUTES OF EVIDENCE.

Monday, 4th June 1894.

MEMBERS PRESENT:

Mr. Billson.	Mr. Shaw-Lefevre.
Sir Charles Dilke.	Mr. James Stuart.
Sir John Dorington.	Mr. Wharton.

THE RIGHT HONOURABLE GEORGE JOHN SHAW-LEFEVRE, IN THE CHAIR.

Mr. ARTHUR T. THRING, called in; and Examined.

Chairman.

1. YOU have been associated with Sir Henry Jenkyns, have you not, in the drafting of this Bill for the accelerating of the registration of parochial electors and the preparation of the register?—Yes.

2. The Bill, I think, was prepared, or rather the scheme of the Bill was decided upon, in consequence of a deputation which the clerks of the county councils had sent to my predecessor, Mr. Fowler, before the Act of last year was passed?—Yes.

3. They represented, I think, that as the Bill was then drawn it would be difficult for them to carry out the registration so that the elections might take place by the 8th November?—Yes.

4. And they made a series of representations, did they not, as to what was possible; and in consequence of those representations by that deputation, and others, this Bill was drawn?—Yes.

5. Will you now shortly explain the principal changes in the dates?—The total reduction in time is 28 days, and that reduction takes place entirely after the overseers' lists have been delivered to the clerks of the peace, that is to say, after the 25th August. The present time from the 25th August is 117 days, that is to say, from August 25th to December 20th, which is the day on which the register has to come into operation. The new time will be 89 days, that is to say, from August 25th to November 22nd. In that long period there are three shorter periods; I will show the time of reduction in each. The first period is the period between the delivery of the lists by the overseers to the clerks of the peace and the first day of the revision, the opening of the revision courts. The present time is

Chairman—continued.

14 days, that is to say, from August 25th to September 8th; the new time will be nine days, from August 25th to September 3rd, the revision courts beginning on September 3rd. Then comes the period for revision. There the reduction is 15 days including Sundays (therefore it is only really 13); the present time is 34 days, that is to say, from September 8th to October 12th; the new time proposed is 19 days, from September 3rd to September 22nd, but as September 2nd and September 23rd (that is to say, the day before the beginning of this period and the day after the end of the period) are Sundays, it really is only a reduction of 13 days in that period.

Mr. *Wharton.*

6. Thirty-four and 19?—Thirty-four and 19, which is 15, that is so; but we take two Sundays out. Then the last period is the period after revision, and before the register has to be delivered to the returning officers, that is to say, the times in which the clerks of the peace and town clerks have to make up their Parliamentary register and their County Council register. The present time for that is 69 days; that is to say, from October 12th to December 20th; the new time will be 61 days, from September 22nd to November 22nd, that is to say, they will have eight less days to make up their register in, *i.e.*, to make the lists into a register. Under the Bill the register will come into force on November 22nd, so far as parochial electors are concerned, and on the old day, January 1st, so far as the County Council and Parliamentary electors are concerned; but of course, in practice, the Parliamentary and the County Council registers will all have to be made up by Novem-

Mr. *Wharton*—continued.

ber 22nd, because the parochial electors consist of those who are on the Parliamentary register, and the County Council register, or rather the Local Government register.

Sir *Charles Dilke.*

7. Just as in practice the Borough register has to be made up at a very much earlier date than the other?—The Borough register has, of course, to be made up by the 1st November.

Chairman.

8. It is proposed to except the Borough register and the County Borough register, is it not?—Yes; practically speaking we could except those from this Bill, that is to say, we could keep the time for the County Borough register as it is now; and, of course, we do not want to alter the period in which the lists are made into a register, because at present they have to make the register of electors by the 1st November, therefore they really have to make up the others, so that there is no time wanted there.

9. The great saving is from the 22nd November to the 1st January, that is, the principal one, is it not?—Yes.

10. The second one is the shortening of the period of revision from five weeks to three, is it not?—Yes.

11. And the third is the shortening of the time during which the clerks of the county councils have to make up the register after the revising barrister has done his work?—Yes.

12. That is from 69 to 61 days?—That is all.

13. Eight days?—Eight days, from 69 to 61.

Mr. *Billson.*

14. What is the notice required for the sittings of the courts of revision now?—The notice proposed in the Bill is three days; but the present notice is seven days. It will be possible to leave seven days if there is any difficulty about it.

Sir *Charles Dilke.*

15. With regard to those 69 days, the long period at the end, what do they do with the time that they have now, do you know?—Well, of course, it is only for the county really; they have got simply to make the lists that the revising barrister gives them into a complete register, putting them in alphabetical order, and really carrying out all the revising barrister's instructions, and then getting them printed, that is all they have to do.

Chairman.

16. The revising barrister leaves the list, although perfect for all the purposes for which it is really wanted, somewhat in disorder, does he not?—Somewhat in disorder, because you have the list of claims revised, that is to say "claims allowed," "claims disallowed," and so on; the clerk of the peace has to go through these lists of claims and lists of objections, and put all those people that are allowed into their proper division, and in their alphabetical place in that division, in the register.

Sir *Charles Dilke.*

17. Do you know that in the Liverpool and Manchester boroughs there are enormously more claims and objections probably than in any Parliamentary county?—Yes, certainly.

18. They do not have that time there, do they?—No, but in Liverpool and Manchester you have the system carried out probably in much greater perfection and by much better men than in the country.

19. But this work is not done in the country, surely, in the sense in which one thinks of "the country," that is to say, the ordinary rural parish; it is only done from the shire hall by the county clerk?—It is only done by the county clerk.

20. It has nothing to do with the overseers, has it?—It has nothing to do with the overseers at all.

21. Therefore, is the enormous difference of time between the time in which it can be done in boroughs, and the time in which it is done in counties, necessary?—That, of course, is a matter of practice which, naturally, I can hardly give an opinion upon.

Chairman.

22. The county clerk has a division to deal with, has he not?—He has a great many more lists to deal with; a great many separate parishes.

Sir *Charles Dilke.*

23. Surely the great difficulty that arises frequently as to the alphabetical order is the difficulty that arises from the long list, is it not?—Yes; it would be a long list.

24. It is much more difficult, even proportionally, to get 1,000 or 1,500 names into alphabetical order: to put in the claims and take out the objections?—Yes.

Sir *John Dorington.*

25. In the borough the clerk has personal, easy access to the person who sends this list, has he not?—Yes.

26. Whereas in the county he has not that personal easy access?—No.

27. In the one case the places are a long way remote, and the persons are not such an educated class?—No.

28. And they are not so easy to communicate with by correspondence?—No.

Sir *Charles Dilke.*

29. In the Bill we find considerable mention of "county lists"; in Sub-section (2) of Clause 1 we have "revising county lists"?—Yes.

30. I have had a great deal of difficulty in understanding exactly what these phrases mean. Does that phrase, for instance, mean that the barristers are to take all lists relating to parishes in Parliamentary counties first?—Yes.

31. How would it affect a barrister, for instance, who has only boroughs?—It would not affect him at all, except so far as he revises the ownership lists in the borough.

32. Do you propose to make any change in these phrases, because they are not very clear as they stand?—No, they are not; we propose to make it "lists for the Parliamentary counties."

33. Even

Sir *Charles Dilke*—continued.

33. Even then, is the word "lists" perfectly clear?—I am not quite sure of the exact words.

34. In line 25 I suppose we are to understand "counties" as meaning Parliamentary counties?—Yes. We were proposing to amend it in this way: to leave out from "county lists" in Clause 1, page 1, line 22, and insert "lists of voters for any Parliamentary county," and then in line 24 to leave out the words "all the lists for the," and insert "of those lists for all the Parliamentary."

35. Yes; that makes it clearer, no doubt?—That is purely verbal.

Sir *John Dorington.*

36. Are the borough lists to be adjourned?—The municipal lists will be adjourned, yes; they will come at the end. Of course there is not the same importance about them for these parochial elections.

Sir *Charles Dilke.*

37. They will have to be ready by the 1st November, will they not?—They will have to be ready by the 1st November, as, of course, they have to be now.

38. You recommend forcing that work before them, so as to shorten the period?—That is so to a certain extent; yes.

39. You have not had any objection on that ground, have you?—No.

Sir *John Dorington.*

40. Notwithstanding the fact that these lists have got to be ready first, they are lists which are to be taken second?—Yes.

Sir *Charles Dilke.*

41. In Sub-section (5), on the next page, line 14, we have these words: "said lists." Does that mean all lists, or does it mean only those previously mentioned; that is, only county lists?—That will mean only the county lists, because the other lists they can get already.

42. Then do you strike out "said" and put in "county"?—Yes.

Mr. *Billson.*

43. I think "county lists" is the last thing mentioned in line 11, so that that amendment would hardly be necessary, would it?—Perhaps not.

Sir *John Dorington.*

44. Would it not be an advantage to have "county" instead of "said"?—I think if we followed the idea of leaving out "county lists," from a verbal point of view, we ought to leave out "county" in line 11, and put in "lists of voters for a Parliamentary county."

Sir *Charles Dilke.*

45. Then, with regard to the delivery of the lists, is that perfectly clear. There is the delivery by the revising barrister to the clerk of the county councils?—Yes.

46. There is also the delivery by the county clerk to the sheriff?—Yes, to the returning officer or the sheriff.

Sir *Charles Dilke*—continued.

47. And there is no such delivery, is there, of the burgesses' lists?—No, because the town clerk makes up his own, and can always get them.

48. Is that phrase about the delivery of the lists clear?—I admit that it is not clear in a way, but it is following the language of the Registration Acts at present. Of course it is very easily made clear. It is easy enough to say who they are to be delivered to, "delivered to the returning officer."

Mr. *Billson.*

49. Is this period of 20 days sufficient for the revising barrister, from the 3rd to the 22nd, that is, 19 days?—Yes.

50. Have you considered how many more would be wanted?—It has been considered, but I really hardly know officially; I can hardly answer that question.

Mr. *Wharton.*

51. Have there been any suggestions made with regard to the latter part of Sub-section (3), with regard to the completion by the revising barrister of the lists of voters for one Parliamentary county, and the transmission of the same to the clerk of the county council, before proceeding to revise the lists of voters for any other parish; have there been suggestions that that might lead to delay in action on the part of the revising barristers?—Yes, there have been objections, I think, to the first part rather than to the latter part of that sub-section as to the completion of the revision for the parishes in one polling district before he goes on to another polling district. The suggestion has been made practically (I suppose I can say what has been taking place) that he cannot complete the lists in that way.

52. I only put it generally; I ask whether suggestions have been made?—Yes, they have.

53. And is there any suggestion made as to making an amendment to meet that?—Yes, there is.

Sir *John Dorington.*

54. What do you propose to put in?—We were proposing, in page 2, to leave out from "shall," in line 1, to the word "lists," in line 4, and insert "on the day he holds his court, or on the following day, send to the clerk of the county council the lists revised at that court; and if there is more than one court for a polling district shall complete the revision of the lists for that polling district before holding a court for revising"; so that it will give him two days to consider his difficulties after the day in which he deals with them; that is to say, he will very likely reserve judgment as it were in one case, and then he will be able to do the thing finally the next day.

55. Does that quite meet the difficulties which have been raised, namely, that he does adjourn at present the consideration of his difficulties to some other court in some other place, which means that he is able to get on with his work regularly while still dealing with the particular difficulty which has arisen. This would delay

Sir *John Dorington*—continued.

the commencement of his work in another place until he had absolutely finished No. 1, would it not?—No, I do not think it would, because we do not say that he shall complete the revision; we leave out those words, "complete the revision of the lists of voters for the parishes in one polling district in a Parliamentary county, and transmit the same"; and only say that he is to send the lists when they are done, either on the day on which they are done or on the next day.

Mr. *Wharton.*

56. Then he may proceed with the revision of No. 2 before he transmits the lists?—Yes.

Sir *Charles Dilke.*

57. There is one difficulty, which is a form of the difficulty that Sir John Dorington has just put, which occurs to me, and I really do not know how it is intended to deal with it, that is, as to the ownership voter (that will be the commonest case, of course), but it also applies to other Parliamentary qualifications. Any person who has other potential qualifications which have not led to his being placed on the register because he was an owner, and would have a duplicate qualification if placed on, so that no steps have been taken to place him on in consequence, will now wish to be placed on in every parish?—Yes.

58. And he will have to be distinguished in all parishes but one by a note?—Yes.

59. Does not Sir John Dorington's point, and Mr. Wharton's, somewhat affect the consideration of that question: in which parish is the man to vote? He is to vote, I presume, in the parish where he lives, if he has a great number of qualifications?—He can claim to vote in whatever parish he likes practically. Then there are certain rules for saying which parish he is to vote in, if he does not claim. The revising barrister will leave his name on the proper list, in the place, or in the parish where he is to vote, but put a note against his name, "parochial electors' list."

60. What occurs to me on the point raised by Mr. Wharton and Sir John Dorington is, that there seems to be a great deal of difficulty, before he gets those names practically right, if he is obliged to finish, and send off, one part before he deals with another; that is obvious?—Yes.

Chairman.

61. What lists will that (what I may call) duplicate ownership voter appear in; will he appear in a separate list for parish purposes only?—Yes, on the parochial list as an owner.

62. With the married women?—Yes, with the married women.

Sir *Charles Dilke.*

63. And with the "starred occupiers"?—Yes.

64. With those who are now called "starred occupiers"?—Yes.

Chairman.

65. I presume the number of those voters would be probably very small, the list of the married women voters, I mean?—Very small, yes.

Sir *Charles Dilke.*

66. That parochial list, I believe, will be a very long one in some parishes; you are aware that there are a great number of resident freeholders in some parishes?—Yes.

67. So that that would be a very long list. In some cases I daresay you know a fourth of the whole electorate are owners?—Yes.

68. There would not be many of them?—No. It will occur in nearly every parish, of course, but it will not be a long list.

Mr. *James Stuart.*

69. How will that be managed in London, where you have revising barristers for different portions of the county who have no communication, practically, with one another?—They will do it just as it is done now. Of course the owner has to say which parish he is going to vote in, and in every other one he will be put in the parochial voters' lists.

Mr. *Wharton.*

70. Is there any suggestion as to how he shall be marked in every other parish; what mark shall be put against his name?—No; I think the only words in the Act are they are to put "a mark signifying that his name should be printed in Division 3 of the list, or if he is entitled to vote only as a parochial elector, a mark signifying that he is entitled to be registered as a parochial elector."

71. "A mark"?—"A mark," simply.

72. There is no direction to the revising barrister as to what the mark should be?—No.

Sir John *Dorington.*

73. You have not considered, I suppose, the printing difficulties at all?—They have been considered; we considered them.

74. Was there any representation made by the county clerks?—Well, we have had communications with the various county clerks, but those have been private communications.

75. You think that the difficulty can be got over; it is not a serious one?—I do not think it is serious, because it is only the difference between 61 days and 69.

76. Eight days really does not make much difference?—No, not when you have 60 days to do it in; you have 60 and it is only the difference between 61 and 69.

77. In the 1885 registration, was the time less than that?—The time was shorter then; it was the 7th November in 1885 that the register had to be made up by.

78. This is the 22nd?—This is the 22nd; the revision was completed by the 8th day of October.

Mr. *Wharton.*

79. Then what you propose is that a register such as this shall contain only the registered persons, parliamentary and parochial as well?—Parliamentary, county council, and borough.

Friday, 8th June 1894.

MEMBERS PRESENT:

Mr. Billson.	Mr. Shaw-Lefevre.
Sir Charles Dilke.	Mr. Long.
Sir John Dorington.	Mr. James Stuart.
Mr. Henry Hobhouse.	Mr. Wharton.

THE RIGHT HONOURABLE GEORGE JOHN SHAW-LEFEVRE, IN THE CHAIR

Mr. FREDERIC CAMPBELL HULTON, called in; and Examined.

Chairman.

80. YOU are clerk of the County Council for Lancashire?—Yes.

81. In that capacity you have had to supervise the register of that county for some years?—I have, for rather over 30 years.

82. Under the recent Registration Act that county is divided into 20 divisions?—Twenty-three.

83. Therefore, the work is unusually heavy?—It is.

84. You have to look after the register for all the 23 divisions?—Yes.

85. Your attention has been called to the Bill now under the consideration of this Committee?—It has.

86. On the 3rd May you wrote to the Local Government Board, expressing your opinion upon it?—I did.

87. So far as your county is concerned, you consider the scheme a practicable one?—Subject to a few alterations.

88. Subject to one or two amendments?—Yes.

89. Would you read the letter you wrote to the Local Government Board?—"Sir, Parochial Electors' Registration Acceleration Bill. At the request of the Parliamentary Committee of the Lancashire County Council, I have the honour to call your attention to Section 1 (1.) (c.) of this Bill, which provides that the notice of the time and place of holding the courts of revision may be given three days before the holding of the first court, and to most respectfully point out that the effect of so short a notice will be to deprive, in many cases, both the objectors and the persons objected to from attending the courts, as the period of three days would not give sufficient time for me to give the notice of holding of the courts to the overseers, or for the overseers to give the notices within their districts, as required by the Registration Acts. I venture to suggest that the period of seven days should be be adhered to. As a matter of practice in this county the revising barristers, who are appointed at the Liverpool Assizes, invariably send to me the notices of their courts long before they receive the abstract of the voters' list, and my only fear is that if they can give the notice three days before their first court, they will not send me the notice until the latest date on which they can do so. Having regard to the peculiar circumstances under which this Bill is promoted I think the rights of the voters both as objectors, or persons objected to, ought to be reserved, and not curtailed in a manner which may possibly lead to the disfranchisement of a great number. I trust you will pardon me for calling your attention to this point. With regard to the rest of the Bill the Parliamentary Committee have no objection to raise to it, but on the contrary approve of it as a means of bringing the Local Government Act, 1894, into operation by the end of November. I have the honour to be, Sir, your obedient servant, *Fred. C. Hulton*, Clerk of the County Council."

Chairman—continued.

90. So far as work in your Department, that is work in connection with these registers is concerned, you consider the time given from the last day of revision to the completion of the register is sufficient?—In Lancashire.

91. Since writing that letter have you come to any different opinion, or do you still retain that opinion so far as that is concerned?—You mean as to the Bill in its entirety.

92. As to the length of time?—No, so far as Lancashire is concerned, I adhere to the same opinion, subject to certain suggestions that I have to make on the Bill.

93. Have you got any further suggestions to make?—If you please. Might I in support of the statement I have made in that letter, hand in to the Committee returns as to the time taken in preparing the abstracts, and also the dates upon which the revising barristers last year gave the notices of their revision. I think it may possibly be of some assistance to the Committee.

94. I presume you have a large staff occupied with this subject?—Yes, I have a large staff in the office.

95. How is it done in the office; is each register for each division taken separately by a separate staff?—No, the lists are sent in by the revising

Chairman—continued.

revising barristers. Probably there are four or five barristers sitting at the same time in different parts of the county.

Sir *Charles Dilke.*

96. This list of yours contains only county divisions?—Only county divisions.

97. Not boroughs?—Not boroughs.

98. You are aware that parishes in boroughs, for the purpose of this Bill, enter very largely into the account, inasmuch as the whole of their ownership lists and the lists of their parochial electors would have to be subject to the provision of acceleration?—Quite so, but the revising barrister for the county revises the ownership lists in Parliamentary boroughs at the same time that he revises the rest of the Parliamentary lists in that county division.

99. Has your attention been called to the parochial electors arising out of the boroughs?—It has. I hope to be allowed to say something on that point later on.

Chairman.

100. You were speaking just now of the way in which the work is carried out?—The lists for one day are sent in either that night or the following day by the revising barrister.

101. As he goes on?—As he goes on. They are handed over to the Chief Clerk; he goes through the lists to see they are all properly signed and in order. Copies are then made of those lists for the printers, the copies are numbered and sent on to the printer as soon as possible.

102. Then you begin your work now before the 12th October, the last day of revision?—Certainly. I may state in one division, where the revising barrister commences on the earliest day, on the 12th, that division we send to the printers on the 22nd September.

103. The lists for both the Parliamentary register and the county register are printed in the same book?—Printed at the same time.

104. Do you publish a separate register for the county electors or does the one list do for both?—One list does for both, but we have to divide it for handing over to the sheriff. We simply send him the Parliamentary voters.

Sir *Charles Dilke.*

105. Do you employ one printer for the whole of your lists?—No, last year we had three printers.

Chairman.

106. When this Bill comes into effect I presume you will print the parochial lists in the same book with the Parliamentary lists?—Necessarily so.

107. They will all be there together?—They will all be there together and numbered throughout.

108. What do you propose to do in the event of your being asked to send a copy of a register to a particular parish?—We do not bind them up in books; we collate them together, and any list that is asked for can be taken out and sent away to the person applying for it.

Chairman—continued.

109. They are so arranged that it will not be at all difficult to send to any particular parish the number of lists that they want?—No; that is what has to be done under the present law.

110. Practically the additional work that will be thrown upon you will be the comparatively small number of names that will have to be added for parochial purposes?—I venture to suggest it will hardly be correct to say the small number of names. There will be a new list, which will have to be made out of parochial electors under Sections 43 and 44 of the 1894 Act, which include under Section 43 the married women, which I may state, so far as I know, is an unknown quantity.

111. Will not that be a small quantity in all probability?—A very large number. You are aware that in some parts of Lancashire, on the sea coast, there are a very large number of lodging-house keepers, and in a very great number of cases the married woman, the wife, is practically householder; at any rate, her name appears on the rate book, although living with her husband.

112. Is not the husband in such cases now registered as a voter?—No; he has no vote at all.

Sir *Charles Dilke.*

113. I believe in Manchester, as a matter of fact, they have failed to be able to distinguish the married women from the others and they have let it go; they are actually registered at the present time?—I think that is very likely. I rather think that is the fact. Then there is also this, which will entail on the Clerks of the Peace a very considerable amount of trouble, that is the extracting from each list of voters the names which are now starred. Then also there will be a very great number of claims both of ownership voters and of duplicate occupiers who have been struck off because they are duplicates. Each of those voters is entitled under this Act to vote in a particular parish as and for the purposes of parochial elections.

114. That applies not only to owners and occupiers, but it also applies to lodgers?—Yes, I think those are the main points.

115. Then there will be the division of lists caused by the division of parishes?—That again is a difficulty which I venture to hope that this Committee to some extent will meet. For the last four weeks I have been employed in holding inquiries both as to divided parishes and as to the division of local board districts and parishes into wards. I may state that so far as the urban districts are concerned, there will be 70 local board districts, the lists of which will have to be divided to correspond with the wards. We have also 33 Parliamentary and non-Parliamentary boroughs. There the ownership list again will have to be divided in those boroughs for the purpose of the election of guardians. At present no provision is contained, as far as I can see, in the law to compel the overseers to make out the lists in accordance with the Act.

116. On the contrary, may it not be said that they are directed not to touch the ownership lists?

Sir *Charles Dilke*—continued.

lists?—I believe that is so in strictness; but to meet the requirements of this Act, because the Act says the lists are to be made out to correspond with the divisions, I have ventured to issue a circular to the overseers requesting them to make out the lists as far as possible in accordance with the orders of the county council.

117. Does not that seem to be outside the law; I am not in the least questioning the wisdom of that course, which I should probably have taken if I had been in your place?—May I say I am going to ask the Committee, if they see fit, really to legalise what is the only course open to the clerks of the peace to bring this Act into operation.

118. Have the clerks of the peace, so far as you know, taken the same course?—I should not like to answer that question.

119. You are aware that some have taken the opposite course?—I should not like to reply.

Chairman.

120. That, I suppose, in your opinion would be necessary whatever the date fixed for the final completion of the register?—If it has to come into operation before the register of next year, that is after this time next year.

121. Even supposing the register only comes into effect at the beginning of next year, would not the change be necessary?—I submit it must be necessary. Some provision of this kind must be necessary unless you hang up the whole Act until November 1895.

122. But if they do hang it up?—Then this time next year the overseers can do it.

123. Supposing this Bill before the Committee were now to pass into law, and the register came into effect on the 1st January next, even then this change that you speak of would have to take place?—Yes.

124. It is totally independent of the Bill now before us, although you wish to take the opportunity of this Bill to make that alteration; it would be equally necessary in your opinion even if this Bill did not come into operation?—Yes. May I also state that in holding these inquiries, whenever a division was proposed, either in a township (because we call them all townships in the north and not parishes) or in a local board district, the assistant overseer was required to attend and he was asked, "Now have you any difficulty whatever in altering all these lists, including the ownership lists, so as to correspond with the Order?" and I have never had a single refusal.

Sir *Charles Dilke.*

125. It is a question of cost, it is a good deal of trouble?—Yes.

126. In some of your districts there are a great number of different lists?—Yes.

127. A great number of wards?—Yes.

128. Is it complicated to any extent by the county council having wards for one purpose different from polling districts for another?—I do not think so.

129. You think you will have the same divi-

Sir *Charles Dilke*—continued.

sions everywhere?—As far as possible I have followed the Parliamentary lists.

130. You think that will be adopted for wards?—To a very great extent.

Chairman.

131. You said just now that a number of inquiries had been held with the view to divisions and subdivisions?—Yes.

132. Are those so far advanced that the subdivision will take place in time for the overseers to separate the lists?—Yes.

133. Under the 84th section?—Yes; the county council are holding a special meeting on the 28th of this month to pass all the orders that possibly can be passed, both with regard to divided parishes and these ward questions.

134. Have you any reason to think they will be complete?—Not altogether, but very nearly.

135. So far complete that under Sub-section (b) of Section 84 the subdivision can take place by the overseers?—I should suggest that the overseers should make the division up to the time for advertising the revision courts, namely, the 31st August.

Sir *Charles Dilke.*

136. Including the ownership list?—Yes.

137. You want to legalise the power of the overseers to deal with the ownership lists?—Yes. Subsequently to the 31st August, I do not know of anybody who can make the alteration except the clerk of the peace, and it will necessarily entail a very great amount of labour in doing it.

Chairman.

138. However, the general result is that you think that in your county, at all events, this section can work?—I think it can be done. Might I, Sir, state this? I do not know whether you have had a copy sent to you. At a meeting of the Clerks of the Peace Society, held yesterday, a resolution was passed "That the Society of Clerks of the Peace, having considered the provisions of the Parochial Electors (Registration Acceleration) Bill, are of opinion that great, and, the society is assured, in some counties an insuperable, difficulty will be experienced in carrying out its provisions, owing to the want of printing facilities, irrespective of the curtailment of time allowed for the preparation of the register."

139. How many clerks of counties were present on that occasion?—Thirty-three.

140. I presume there was a difference of opinion?—There was a difference of opinion. A considerable number of clerks of the peace represented that in their counties the difficulty of obtaining tenders for printing was so great that it would be quite impossible really for them to print all the lists in the time named in this Bill, and I was asked to name specially the county of Leicestershire, where, last year, the printers in Leicester absolutely refused to send in any tender whatever for printing the register of that county.

 141. Is

Sir *Charles Dilke.*

141. Is not Leicestershire a county in which it has been the custom for the county clerk and the agents on the two sides to meet between the sitting of the revision court and the issue of the register and correct the register?—I cannot answer that question. May I mention also the North Riding of Yorkshire, and several others.

Mr. *Wharton.*

142. You have no difficulty in printing?—No; we divide the lists into three, and last year we completed the list a day or two before the day limited, the 20th December.

Sir *Charles Dilke.*

143. Can you imagine, in a borough like Leicester, that you cannot find printing houses who could deal with the list?—That is what I was asked to lay before the Committee.

Chairman.

144. Surely you divide your printing between three?—Three.

145. Each printer, therefore, has seven or eight divisions?—No; the type required for printing the registers is peculiar, and the size of the paper is peculiar, and to one man who has had the printing for the last 20 years we gave eleven divisions, and then we divided the balance between two others, one in Warrington and the other in a place called Ormskirk.

146. Each of your printers probably has more to do than the one printer of a county like Leicestershire?—Our total number of voters is about 320,000, and we divided it into 150,000 or 160,000 and two 80,000.

Mr. *Wharton.*

147. Leicestershire would have under 150,000?—About 150,000.

Chairman.

148. Have you any suggestion to make as to removing this difficulty?—It is a purely local matter.

149. A purely mechanical one?—It is the difficulty of getting the printing done.

Sir *Charles Dilke.*

150. I suppose if the worst came to the worst, the county of Leicestershire could get their printing done outside the county?—No, I think not. The printing of all the lists, both county and borough, is done at the same time. At Nottingham there is a very celebrated firm, Forman's, who used to print our register in years gone by, but they had to give it up. When the Act of 1885 was passed, and thereby a considerable addition made to the registers, they had to give it up, because they had so much to do locally.

151. That hardly applies to the great London houses; many great London houses do not print any registers at all?—I believe they will not contract for it. We applied in London and we only got one tender from Waterlow's, and we advertised in "The Times," and all the London papers.

Mr. *Wharton.*

152. I suppose it is very much a question of money?—Of course it is.

153. If you increased the offer of price you would get a large number of tenders?—I was told with regard to Leicester that they refused under any circumstances to tender.

154. Their own printers?—No, the Leicestershire printers.

155. Do they get their printing done outside the county now?—I believe so.

156. You cannot speak to that?—I cannot speak to that.

157. You told us that you would require to have a large number of local inquiries; can you tell how many local inquiries you are likely to have?—We have already held 50. Since the last was received I have got 10 more applications in and they are coming in almost every day, because the people in the country districts particularly are only wakening up to what the effect of the Bill will be in consequence of local inquiries being held.

158. Can you estimate what the total number of inquiries in Lancashire is likely to be?—Altogether.

159. Yes?—Between now and the 31st August.

160. Yes; I mean with reference to how far delay may be incurred owing to the number of local inquiries?—I should say we shall have at least quite up to 80 and 90, and that is a low estimate.

161. I do not know whether you came to any conclusion at your meeting yesterday with regard to one matter which has been suggested to me, which I think is a very good suggestion, that in future the revising barristers should take the boroughs and the counties separately. I mean a revising barrister should not one day revise in a county and then go back to a borough and then go to the county, that being inconvenient, and wasting time?—Yes, that is a most inconvenient course for the counties. The revising barristers will hold one or two courts in a country district, and then they will go and hold a court and revise a borough. Then they will come back and sit for a day in the same division and go back to another borough. The result is that we are delayed until all the borough revisions are completed. I have remonstrated very strongly with them, and the reason they give is this, that the boroughs must have their lists prepared and printed in time for the elections on the 1st November, and therefore they must finish their revisions as soon as possible.

162. Then under the circumstances would it not be better if there was a local arrangement made in divisions that revising barristers should be allotted to counties and to boroughs; so many to boroughs and so many to counties?—Certainly; for this year it would be a most convenient arrangement.

163. It would accelerate matters?—Yes.

Chairman.

164. There would be no difficulty in point of law in doing that; it is a mere matter of arrangement with the Home Office, is it not?—I presume so.

165. There

Sir *Charles Dilke.*

165. There are revising barristers now that have only the one or only the other?—The revising barrister for Liverpool only has Liverpool, and I think the revising barrister for Manchester only has Manchester, but others are mixed up.

Mr. *Wharton.*

166. You do not see any hardship that would ensue to the revising barrister?—Not at all.

Sir *Charles Dilke.*

167. With regard to the boroughs, on that point raised by Mr. Wharton, they will be rather in a worse position by this Bill; has there been any complaint by the boroughs that this Bill will take away time from them?—I have not heard of any.

168. By forcing the completion of the borough lists before the county lists are touched?—I have not heard of any.

169. With regard to time, time is far less important, is it, in boroughs than it is in counties as to the printing?—Yes.

170. Where boroughs are very large will there not be great difficulty found in the case of boroughs if there is really this difficulty in the case of counties?—The lists are so much smaller. Of course, the register is not a very large list. Take the ordinary list of Preston or Bolton, I suppose the total number of electors would be from 15,000 to 16,000 or 17,000.

171. That is bigger than one county division list; you are doing it for the whole county?—I think our average lists in Lancashire, at any rate, are quite that.

172. There are a great many borough lists which are larger than any county list, because they are two member boroughs?—At Preston they are not more than 15,000. I think the average county list in Lancashire is about 14,000.

173. One would imagine when boroughs lie thick, as they do in some parts of the country, the pressure on the printers would be much greater in the case of boroughs with these much earlier dates than it would in the case of counties?—I have had no complaints.

Chairman.

174. We understood you to say that the county of Leicestershire is the particular one that raises this difficulty?—Yes, but there are other counties.

175. Which other counties raise the difficulty of printing?—The North Riding was named. That was specially named, and Durham was also named, but Mr. Simey is here, and I would rather he should state his own case. I hope you will take it that there were 11 or 12 counties.

176. Eleven or twelve counties made difficulties of some kind?—They stated that the difficulties in the way of bringing the Bill into operation arose principally from the printing.

177. Then a large majority of the counties represented that they could carry it out?—They might do.

178. When, therefore, a majority of the clerks of the county councils came to this resolution it did not mean that the majority of them could not carry

Chairman—continued.

it out, but the majority of them were persuaded of the difficulty?—I would rather put it the other way, that the minority were exceedingly strong in saying the difficulties were so great that they could not carry out the Act.

179. They persuaded the majority to pass that resolution. It was not the case of the majority finding themselves unable to do it?—I do not think you ought to take it that the whole of the majority were able to carry out the Act. They voted on that amendment.

180. I understand you to say that Leicester and the North Riding and Durham and possibly 11 or 12 counties represented this difficulty with the printing?—They did.

181. It was on that that the majority of the counties passed this resolution?—We were of a contrary opinion. We thought that resolution was a proper resolution to pass.

182. Was any effort made to make any alteration so as to enable the thing to be done?—Do you mean by extending the time?

183. By any alterations in the Bill?—No, because we all recognised that the work had to be done.

184. Have you any suggestions to make of an amendment?—Only on the first clause, that Subsection (C) should be left out as to the three days' notice. That is the objection I raised.

185. Have you any suggestion to make with the view to overcoming the difficulty?—No, I have not.

Mr. *Billson.*

186. Do you wish still to leave it seven days?—Yes, I hope you will leave it seven days.

187. You think that is important?—Yes, to enable us to do it.

188. We thought at our last meeting that three days was ample?—The only medium of communication with the country people is practically the weekly newspaper or seeing these notices posted, I think, at the Post Office, and the churches and chapels.

189. There are always communications from the party agents?—They only have a few days, that is the difficulty. If the notice is sent to me it is sent off the next day. That only really gives three days.

190. Is there not a general understanding when it is going to be?—No, I do not think so.

191. It says it may be given three days before. The revising barrister, as a rule, plans out his time at the beginning, does he not?—Will you allow me to refer you to the second page of the table I handed in.

Sir *Charles Dilke.*

192. It is generally known three months beforehand?—Not the actual day. He does not give the actual notices.

193. Everybody knows, does he not?—I should not like to say so.

Mr. *Hobhouse.*

194. With regard to this notice of objection, I suppose your view would be that such notice should be given so that every voter might have a

Mr. *Hobhouse*—continued.

chance of knowing when a revision court took place?—Yes, and every person objected to.

195. And these objections, of course, may be raised to the Local Government list as well as to the Parliamentary list?—To all lists.

196. In the case of a new Parochial list there will be a great number of owners, for instance, put on several lists who may be objected to?—No doubt.

197. And it does not follow that the political party agents will have the charge of looking after the interests of those Local Government electors?—No, I take it they will not care very much about them.

198. And therefore your view I suppose will be that the law should ensure to every elector a fair chance of having sufficient notice to enable him to attend the revision courts?—That is my opinion. I have had to attend a very large number of revision courts, I used to attend the first court in every circuit for years, and then saw that great difficulties arose, and complaints made from people saying they had not received a notice, and that sort of thing.

199. You do not think the present time of notice is any too long in a country district?—No.

200. Where many voters only take a weekly newspaper?—That is so.

201. You see no reason why the revising barrister should not give seven days' notice, even under the provisions of the Bill as they stand, of their first courts?—I think so, and, if I may say so, for this reason I presume some barristers will be appointpd to revise this year, and they know pretty well what the work will be, plus an estimate of the extra work, which will be thrown upon them by the Act of 1894.

202. They will be sufficiently aware of it to be able to fix the dates of the first few courts?—I think so.

203. With regard to printing, I suppose in your county you have rather exceptional facilities for printing in many of your larger towns?—We have. We have very large printing establishments.

204. This printing of the registers is not ordinary printing?—No.

205. It requires first-class paper?—Yes, and a particular class of type.

206. All the lists would have to be uniform?—Yes.

207. There would be great difficulty in providing printing outside the county?—We do not like it.

208. It would involve delay and inaccuracy?—Yes.

209. I suppose in some counties there are not many printers who could undertake this work?—I should doubt it.

210. There is very great objection to sending the lists to any considerable distance, as, for instance, up to London, to be printed, because there must be constant communication between the printer and the Clerk of the Peace?—That is so. We tried that one year with Waterlow's of London and we found it was a very great inconvenience, and another year we tried it with a firm in Birmingham, and we had a very great difficulty, and it threw very large extra cost upon us. Last year we kept the printing of the lists in Lancashire, at Preston, at Warrington, and at Ormskirk.

211. Therefore, I take it to be the general opinion of the clerks of the peace that this work must be done by a local printer, or a printer close to hand?—It is the most convenient way of doing it.

212. I suppose your body did not consider the increased cost that would be incurred by printing more rapidly?—The increased cost was mentioned, but we did not express any opinion in the form of a resolution because we thought that it was a matter for the county councils rather than for the clerks of the peace.

213. There is no doubt, I suppose, that the less time that is allowed for the printing the greater the cost?—I think there cannot be a question that the cost to the county fund will be considerably increased.

214. The amount of the contract for the printing depends very much I suppose on the number of days allowed?—Yes, and the time within which the printing has to be completed.

215. Not only do the printers charge more, but Clerks of the Peace have to keep have to keep a larger staff?—We have to have a larger staff.

216. And you have them more continuously at work?—The printers have to buy a quantity of plant to meet the additional amount of work thrown upon them.

Chairman.

217. Would the difference be serious in that respect?—I have not at all estimated what the cost would be, but I should say that it must be in some counties considerable.

Sir *John Dorington.*

218. I suppose in 1885 you had to make special arrangements with regard to the registration: did it cost you anything?—In 1885 it was a very expensive proceeding, but I think, if you remember, there was a grant by Parliament to meet the cost.

219. To the counties?—To the counties.

220. Have you any recollection what you spent extra?—I know the grant we got was 1,900*l.*, and I think the cost in addition was between 2,000*l.* and 3,000*l.*

Mr. *Hobhouse.*

221. It does not only involve greater cost, but also much greater risk of inaccuracy in the list, does it not?—Anything done in a hurry must lead to inaccuracies.

222. There are many things about the lists, for instance starring and the multiplication of certain surnames in the same district, which are very apt to lead to inaccuracy if there is haste?—Both on the part of the revising barrister, and on the part of the Clerk of the Peace.

223. And for these reasons I presume that even in your county of Lancashire you would like, if possible, to get more time for this operation?—Certainly.

224. Only you think that if Parliament requires

Mr. *Hobhouse*—continued.

requires the lists to be made out by a certain date, it is not impracticable in your particular county?—That is what I wish to say, and I wish to confine my remarks exclusively upon that point to Lancashire.

Mr. *Long.*

225. With regard to the impracticable character or otherwise of the Bill, do you not anticipate that the difficulties with regard to owners will be greater than they may seem to be at first sight. Can you inform us how you propose to arrive at the various owners who will have to be extracted from no existing source known to us at present, in order to put them on the parochial electors' list?—I believe owners will have to claim to be inserted on the list.

226. I mean owners who appear on the owners' list as owners for Parliamentary purposes?—Yes.

227. Who appear with respect to their qualification for County Council elections in respect of their qualification as residents?—Yes.

228. But who may have votes under the Act of last year as owners for districts in which their names will not in any way appear on the present register?—In those cases assume that an owner of property in four townships or four parishes appears as an owner on one, and he has been removed as a duplicate from the other three, and his name does not appear on any one of those three parishes, or say on the rate book, he will have to claim and he would claim to be a Parliamentary voter in parish B. The revising barrister would have to strike his name out. I think he has not to strike his name off, but he has to mark it with some distinctive mark, and then the clerk of the peace has to put that into the No. 4 parochial electors' list.

229. In that case the *onus probandi* will rest entirely with him?—He will have to claim or he will not get on.

230. Do you not anticipate that the shortening of the time may lead to the exclusion of a great number of that class of voters from the first list of voters for parochial election purposes?—I think it is very likely.

231. At present is there not great difficulty in owners claiming if they do not appear on the register?—There are not so many claims now as there used to be, because the name appears on the occupiers' list, so they do not care to remain to be struck off year after year from one or other of those lists.

232. Of course they will have a right to claim for every district where they have a qualification under the qualification as parochial electors?—Yes.

233. With regard to these inquiries that you told the Committee just now you were holding a large number of, and of which I imagine a large number are being held all over the country, will not some time necessarily elapse before an owner will be able to know whether he will have a right to vote, because some of the duties of the County Council will be that of arranging the new wards where wards are to be created?—That we propose to do on the 28th of this month as far as possible.

Mr. *Long*—continued.

234. To complete?—To complete; and the orders will have to be advertised and made as public as possible.

Chairman.

235. There is no alteration in the duty of publication of claims and objections. All the claims will have to be made before the 25th August just as now?—No; I think the ownership voters have to claim by the 20th July, if I remember aright.

236. There is no alteration in that respect?—No; but I am afraid, as Mr. Long has referred to the matter, a great number of divisions will take place after the 20th July.

Mr. *Long.*

237. The view taken by a great many people is that so far from a shortening of the period taking place, there ought in reality to be a lengthening, owing to the various difficulties, one or two of which I have only referred to. There will be actual difficulty in this year in securing the presence on the register of everybody who is entitled to vote more than there has ever been before, because you have not only the addition of a number as in 1885, which is the recognised addition of people easily discoverable, but you have now the addition to the register of people whom it will take an immense time to discover. Is not that so?—I quite agree with what you state.

238. The time occupied will necessarily be greater, and the risks of people not appearing who are entitled to vote will be far larger than they have hitherto been?—I believe that is quite certain for this year.

Sir *John Dorington.*

239. Do you think that all your new townships, or parishes, will be effectually constituted so as to be well known by the 20th July?—All that we have dealt with up to the 28th June will be known throughout the county.

240. There will be some others?—There must be.

241. They will not be effectually known or constituted by the 20th July?—No.

242. The 20th July is the last day on which an owner could make a claim in respect of those parishes?—Yes; I was going to call your attention to that point.

243. With regard to occupiers?—The occupiers can claim up to the 25th August.

244. That will be rather a matter to be considered by the overseers, or might be done in court, but as regards the claims of the owners they could not be made until the township was known, and the township may not be known until after the date at which they can make a claim?—In cases where any division is made subsequently to the 20th July, in fact subsequently to the 28th June, that is the day upon which the County Council meet to make the orders.

245. That is in Lancashire?—Yes.

Sir *Charles Dilke.*

246. I suppose it is a letter from you that I have seen; I thought it was in your circular. I think you have written some letters in which you have explained to the overseers that it will be their

Sir *Charles Dilke*—continued.

duty, in effect, to make out a fresh list ?—Yes, I believe I have used the words. I have put it in the form of a request, and they say as far as they can they intend to comply with it.

Chairman.

247. The main difficulty discussed in your meeting yesterday was the mechanical one of printing ?—The mechanical one of printing.

248. And they considered the shortening of the period from 70 days to 60, the difference of 10 days, made a difference?—We do not quite agree that that is the shortening. We make out that the difference will be from 19 to 20 days. The actual time allowed for business is reduced from 19 to 20 days under the Act.

249. We hold it to be only 10 days, namely, the difference between the 12th October to the 20th December, and the 22nd September to the 22nd November?—I think you must take it from the commencement of the revision.

250. I take it from the end of the revision?—I do not think that is a correct way of dealing with it, because we commence printing long before the revision courts are concluded.

251. You think that a portion of the period during the revision ought to be taken into account?—Certainly. At present before the 12th of October we have printed eight or nine divisions. We commence printing, as I said before, at the earliest date, which was the 22nd September last year.

252. Was it considered whether anything could be done to facilitate the business, so that the election could take place this year ?—In what way ? I do not quite understand.

253. Did your meeting consider whether any alteration of the Bill could be made consistently with the elections taking place this year?—Subject to the question of printing, and the proper notice being given to the revising barrister, we considered that Sub-section 2 would provide that the revising barristers should finish the revision of the county lists before they proceeded to deal with the boroughs; and Sub-section 3 we thought was a valuable addition, requiring a revising barrister to complete the revision of the list of voters for one part of the county before proceeding to another, and

Chairman—continued.

those, I think, were all agreed upon as a great help in the bringing this Bill into operation. The only other point is what I have already mentioned with regard to dealing with the lists in divided parishes.

254. Have you ny recommendations to make for some little alteration of date, so as to enable the elections to take place during the present year in accordance with the Act of last Session; all they have told us is, as I understand, that looking at the dates now given in the Schedule to the Bill, they do not think they can carry out the printing in time?—It was suggested by one or two of the representatives that the completion should remain as at present, the 20th December, which would give them ample time, or at any rate give them time to finish the printing.

Mr. *Wharton.*

255. There is only one other question with regard to that Sub-section 3 of Clause 1. Did you discuss that at your meeting yesterday?—Yes, it was mentioned.

256. I think you were of opinion that some amendment would be necessary with regard to that. Sub-section 3 at the top of page 2 of the Bill is: "Every revising barrister shall complete the revision of the list of voters for the parishes in one polling district in a Parliamentary county, and transmit the same to the clerk of the county council, before proceeding to revise the lists of voters for any parish in another polling district." I do not know whether you were made aware that there was any amendment projected with regard to that?—That is so.

257. It is well we should have on the Notes whether the clerks of the peace agreed to any amendment with regard to that. I particularly point your attention to the top of page 2, Sub-section 3?—It is proposed to strike out from the word "complete" down to the word "revise" in line 4. We thought that was a very good amendment.

258. The clerks agreed to that amendment?—We agreed to that amendment.

259. Would there be any difficulty in letting us know what the additional cost was in 1885?—I shall be very glad to send it to the Committee.

Mr. RALPH SIMEY, called in; and Examined.

Chairman.

260. You are clerk to the County Council of Durham?—I am.

261. You have superintended the register, I suppose, for some years?—Thirteen years.

262. Have you considered the Bill now before the Committee?—Yes, I have.

263. What is your opinion as to the dates?—As to the dates, my opinion is that in the county of Durham we shall have great difficulty in getting a register up by the time that is allowed, very great difficulty indeed. I cannot go so far as to say that it is absolutely impossible, but I think the strain will be so great that there is

Chairman—continued.

every probability that something will give way at a critical moment; and serious consequences might ensue. The clerks of the county councils are now working under very great pressure.

Sir *Charles Dilke.*

264. Do you mean in the time between the revision and the issue of the lists?—Yes, to get this Act brought into operation.

Chairman.

265. Is the main difficulty you anticipate one of printing?—That is one of the difficulties, but it

Chairman—continued.

it is only one. You see the work of the county clerks will be very largely increased by this Bill. In the first place, I think it has already been mentioned by Mr. Hulton, or some other gentleman, that Divisions 1 and 3 will have to be practically remodelled.

Sir *Charles Dilke.*

266. You said by this Bill; you meant by the Act?—Yes; 1 and 3 will have to be remodelled. The ownership lists will have to be separated; that has also been mentioned; and under new Divison 4 there will be very wide questions, the extent of which very few people can understand yet. Then to do that we have 20 days less; I think Mr. Hulton has already mentioned that and I agree with him as to that, because we always expect to have some copy ready for the printer within a week after the revision courts have been opened; and I think if you apply the figures given in the schedule here you will find that, excluding Sundays, we should be deprived of 21 days.

Chairman.

267. That is including the whole time of the shortening of the revision?—Except the first six days, that is a week, which being common to both cases I have taken off. That leaves me a net allowance as at present of 84 days for getting the register ready, whilst under the proposed arrangement we shall only have 64. That is a loss of 25 per cent. with all the extra work added on. Then I come to the printing difficulty. As to that my county is in a slightly better position than some other counties, because it happens that our triennial contract for printing the registers has just expired, and we are now preparing to let a new one. But in counties in which the contracts are running they will practically be delivered into the hands of their contractors, to charge what they like. That is a question of cost only. As to the execution of the work, although we have nine boroughs in my county, including three county boroughs, we get very little of our printing work done in them, scarcely any of it; and the number of applicants for the work has been diminishing for the last nine years.

268. Where is the printing done?—I will tell you. In 1885 we had ten tenders sent in for this work, of which three were outside of the county altogether. In 1888 we had only nine tenders, of which four were outside the county and five inside the county. In 1891, the last time we let our contract, we had only seven tenders sent in, and of those three were outside the county and only four in it. On that occasion as on previous occasions, we divided the work between the contractors, because several of these men who tendered were not able to take the whole, and most of them tendered for only a part of it, and the contract which has just expired was let to four contractors, two in the city of Durham, one in Middlesbrough, and one in Ripon. There is a great deal of difficulty in getting this work done all at once at one season of the year, because the various printers in boroughs are occupied with their own work; they have their own burgess

Chairman—continued.

lists and their own parliamentary registers to prepare, and it is work which has to be done only in a short period, at one season of the year. They cannot do it with their ordinary staff. They have to employ such men as they can pick up, extra men, for the purpose; and the result of that is, I am led to judge, that they do not care much about tendering. At any rate I have the fact before me that our number of tenders has dwindled from ten to seven. Looking back upon that, I look forward to very considerable difficulty in letting the new contract, with a certain degree of uncertainty as to what the work is that will be required.

269. Does one contractor do the whole work?—No, we have two contractors in Durham, that is the expired contract, one in Middlesbrough, and one in Ripon. The Ripon man failed, and we shall not have him again. We had to get the work done over again in Durham at a very considerably increased price. I think we paid 25 per cent. more.

270. You broke up the work and invited tenders for the important portions, so to speak; or how do you divide the tenders?—We publish advertisements, and we prepare forms of specification, and of tender, one of which I have brought with me. We have eight divisions in our county, and we invite separate tenders for each of the eight divisions. This is the schedule of them. Each parliamentary division is separately tendered for; a committee goes into the matter, and accepts the most desirable tender for each part.

271. There is a separate tender invited for each division?—For each division.

272. Then a certain number of printers, I suppose, tender for all?—I would not like to charge my memory, but I do not think there was a single contractor who tendered for all. I think some of them tendered for five or six parts, but I am not quite sure about that. I do not think one contractor tendered for all. We have about 120,000 on our register.

273. Do you consider that printing the register within a shorter time will be attended with increased cost?—Yes.

274. Can you form any opinion what will be the cost?—I cannot form any opinion. I can only tell you, under ordinary circumstances, when our Ripon contractor failed last year, and we had to let the contract for one year only, we had to pay 25 per cent. more. It will be a great deal more than that now.

Sir *John Dorington.*

275. Do you remember what your excess cost was after 1885?—I cannot tell you that; I have got the cost here last year.

276. In 1885 you had to prepare a register?—Yes. I do not remember. I did not prepare myself for that. I could supply the Committee with it very easily.

Mr. *Stuart.*

277. Do you mean that printing alone would cost 25 per cent. more if considerably accelerated?—Yes, it did cost that in the case in which we had to re-let the contract.

278. It is very difficult to see why such a large

Mr. *Stuart*—continued.

difference should be caused in a large contract like that by an acceleration equal to what we are considering. Is it because they have to work overtime or what is it?—I suppose so. Whenever you compress work, you naturally, as a general rule, increase the cost of it, and whenever you have to employ overtime you necessarily increase the cost of it, and then you must bear in mind, as I said before, it is not work which can be done with the ordinary staff.

279. How is that?—Because it all comes at once. These men have no staff to grapple with a contract of this description. They have to get extra hands.

280. Cannot you get them to contract for three or four divisions at once, or to contract for one division. Would not that be easy?—When we have got a few contractors to select from we make them do that. We have done the best we could; divided it into four or five.

281. I was merely thinking of this. Considering the extraordinary speed with which some kinds of printing can be done, and done with very great accuracy, why so very large an increase of expense should be added to this particular business has always struck me with surprise. I have no doubt it is the case, as a matter of fact, but it seems to me it must be because of the small number of contractors or others who do not allow the business to go into general hands?—I have no doubt that any amount of printing can be got through in London with very great facility; but the London printers do not tender for contracts. I think we asked both the Waterlows to tender. They came down and saw our samples, and did not come afterwards.

282. There is a great desire to get business on the part of London printers; as a rule, they represent themselves as in the last straits for the want of business?—It would be extremely inconvenient to us to have London printers to do the work. Besides, as I said before, we have tried, and we have not succeeded in getting them to tender.

Mr. *Wharton.*

283. Have none of the large Newcastle firms tendered?—None of the large Newcastle firms have ever tendered, I think. We had one tender in 1885 from Newcastle. That was not a large firm; Lambert & Co. That is the only tender we have had in nine years.

284. There has been an attempt, has there, to get the tenders of the largest printers in the north?—Yes. We published advertisements broadcast all over the country, and we put advertisements in the "Contract Journal" and "The Printer," a trade paper.

Mr. *Hobhouse.*

285. Do you agree with what Mr. Hulton said, that he could have this work done by no printers except printers within reach?—In fact it is almost impracticable to send the printing to London.

286. Extremely inconvenient?—Yes.

287. There has to be communication between your clerk and the printer?—Yes.

Chairman.

288. You do not go the length of saying it cannot be done?—I should not like to say so, because given an unlimited amount of money you can do anything not physically impossible.

289. You say it would be attended with difficulty and increased expense?—Yes.

290. Can you give us any idea what the cost would be?—No, it is difficult to estimate what is the difference if done under the Act.

291. We are only now asking as to the estimate of printing?—I have not given my attention to the extra cost quite so much. I am quite sure the cost will be considerably greater, but I am not quite sure of the amount.

Sir *Charles Dilke.*

292. You perhaps heard the questions I asked the county clerk of Lancashire with regard to the division of the ownership lists?—Yes.

293. You heard what he said about the circular he issued?—Yes.

294. Have you taken any course with regard to that?—I have issued the same circular. I think that circular has been issued by all the clerks of the peace. I think it was prepared in London. I have issued that circular.

295. I did ask the question whether it had been issued in other counties, and what had been done in other counties, and I got a negative reply. I got a reply to the effect that the clerk for Lancashire did not know what had been done in other counties?—Perhaps I ought to have given the same reply.

296. You know it has been issued in a number of counties?—No, I do not as a matter of knowledge. It was a circular prepared by the executive committee of the Society of Clerks of the Peace, and sent out by them for adoption by the different clerks, and I take it for granted that the great majority of them, to say the least, would follow it.

297. You have heard what the clerk for Lancashire has told us in regard to his wishing us to put a clause into this Bill, to use his phrase, to legalise this circular?—Yes.

298. You think there is a sort of conflict between this and the precept?—I have taken every possible step to have the lists divided in my county already, but still some of the overseers may say, "We are not bound to do it," and therefore I should like to have it legalised.

Mr. *Hobhouse.*

299. May I ask you if you agree with what Mr. Hulton said with regard to the time allowed for notice of objections, three days?—Yes, I entirely agree. That is the notice of the holding of the courts.

300. Yes?—I should like to make a suggestion about that, if you will allow me; and that is, that for this year at any rate, on the assumption that the Bill passes, I think it would be a great improvement if the clerk of the peace were relieved altogether from sending an abstract of the number of objections and claims to the revising barrister. I have had a long experience with Parliamentary elections and registers before I was appointed clerk of the peace, and my opinion is that the abstract is practically useless. It puts a great deal

Mr. *Hobhouse*—continued.

deal of work on the clerk of the peace's office, and I do not think the barrister is a bit the better for it.

301. Does it not give the barrister some notion of how long the courts will take?—If the barrister is the same who did it last year, and in all probability it will be, he will form a much better opinion from his last year's work than he could from the abstracts.

302. I mean in consequence of the great change in the registers this year?—I do not think it practically makes very much difference. If he is a new man he will get from the appointments for the courts last year more useful information, probably, than he will get from the abstract. You may have a list giving a couple of hundred objections in a particular township. For any thing that the revising barrister knows when he gets that abstract they may be very solid objections, each of which has to be fought out on a different ground, or they may be 200 absolutely formal objections which may all go together in five minutes.

303. He cannot tell whether it is a rotten list, or not?—No, it gives him no information of that kind.

304. Would that save any time or any trouble t the clerk of the peace?—It would save the clerk of the peace a great deal of time, and he would then be enabled to devote that time to other purposes, and it would also, I think, help the notice. You see as the schedule stands at present the publication of claims and objections is on the 25th August, which happens to be a Saturday, so that nothing can be done until the Monday following, the 27th. Then the revising barrister has to give his notices three days before the first court, which must be on the 3rd September, so he must give his notices on the 31st August, which is a Friday. Therefore there is only from Monday to the Friday to get this abstract sent to the barrister for him to consider it, if he has to consider it, and to make up his mind about the courts, and then give the notices. If there were no abstract to be sent the barrister would be able to consider what he could do on 25th of August instead of waiting for the abstract at all.

305. Your point is that it would not practically make any difference this year?—Yes, probably. The experience of this year will lead to it in following years.

Mr. *Wharton.*

306. I think what you have been saying bears upon the questions I asked Mr. Hulton just now with regard to the barrister revising boroughs and counties; what is your opinion with regard to that?—I find as a matter of fact a revising barrister will open a revision for a Parliamentary county, and, perhaps, will revise one or two polling places in it, and send the papers to me, and then he goes to do the borough nearest to the revising place at which he has been. He takes a day or two days for that, and my work is suspended during that time.

Sir *Charles Dilke.*

307. That is altered by this Bill?—Yes, I think so.

Mr. *Wharton.*

308. You would agree that it would be advisable for the revising barristers to have a direction given to them to revise separately the counties and boroughs?—I think it would be a very good plan, indeed, if one revising barrister was appointed for the boroughs and another for the counties, and keep them altogether separate. We had not these proposed amendments before us in print or writing. They were read to us; it is very difficult to deal with amendments in that way, and I am not quite sure that the Bill, as it will stand when amended, will prevent the revising barristers from adjourning their courts from time to time. That is a fertile source of delay. I think that ought to be taken great care of. The words are "every revising barrister shall, on the day he holds his court, or the following day," but, if he uses the power of adjournment, the adjourned day will be the day on which he holds his court.

Mr. *Hobhouse.*

309. According to Sub-section 2 the revising barristers shall continue to hold their courts daily for that purpose?—That does not say that he is to continue the court for a particular revising place or a particular polling place until he has finished it.

Sir *John Dorington.*

310. Will all your lists of parishes and places be completed and well known before the 20th July?—I do not think so in my county. I have inquiries at present fixed up to the 29th of this month, and I do not think it is likely that the whole of the arrangements will be completed by the 20th July, or at any rate, not in sufficient time for them to be known.

Sir *Charles Dilke.*

311. Have you got the same wards for local purposes as you have for Parliamentary polling districts, or have you any cross divisions?—No; I think the whole thing was arranged early this year, so as to make the Parliamentary polling districts and the electoral divisions as far as possible coincident.

312. You have no wards for guardians' elections, for instance, that clash with them?—No, I think not.

313. Of course in cases where there were those cross divisions the difficulties would be greater?—Very much increased. I have striven as much as I possibly could to keep them on the same lines.

Sir *John Dorington.*

314. In case your townships are not properly completed the owners will not be able to claim in respect of those?—I may say that the knowledge of the provisions of the Act which has just been passed, the Act of last year, is only beginning to make itself known. I mean that people are only beginning to get an accurate idea of

Sir *John Dorington*—continued.

what the provisions of the Act are. At every place where we go to hold a local inquiry we are ourselves subject to cross-examination as to what the Act is, and instead of their informing us they look upon us as having to inform them.

Chairman.

315. That is the difficulty, independent of this Bill?—Yes.

Sir *John Dorington.*

316. This difficulty about the 25th July is a very formidable one?—Yes, but it can only affect large districts.

Mr. *Wharton.*

317. Will there be any difficulty in letting us know what the additional cost was in 1885?—No, I will send it up.

Mr. Henry Michelmore, called in; and Examined.

Chairman.

318. Are you the clerk to the County Council of Devonshire?—Yes.

319. Have you had a long superintendence of the registers of that county?—For several years.

320. Have you considered the Bill before the Committee?—I have considered the Bill before the Committee hurriedly, before I came up to town, and more particularly since yesterday morning. I did not know before that I was going to give evidence before you.

321. You have not considered it?—I have considered it, but not particularly before yesterday morning.

322. What have you to say on the dates?—My opinion is, and I do not think there is much doubt about it, that it will be very difficult indeed to carry out the provisions of this Bill in a satisfactory manner at all. They can be carried out; I can carry them out in my county, but I could not vouch for their being done in a creditable manner to the county at all.

323. That difficulty has only occurred to you since the discussion of yesterday?—No, before yesterday.

324. You have made no representations to the Local Government Board on the subject?—No, I have not.

325. Is it on the ground of the difficulty of printing?—That is not so much the difficulty in my case; I have all my printing done in one office in the city of Exeter, but I should have a difficulty in doing it in the time required here, because I have a great deal of other printing connected with the county, and the printer, when he takes up the registration work, has to drop everything else in order to do it in the present time, and I do not think he would care to drop his work so entirely, because he would have to begin much earlier, if possible, and put on so many fresh hands. I do not think he would care to incur the expense. I have a contract existing for the present register, and if we had the increased register within this time I should be rather at his mercy as to terms.

Sir *Charles Dilke.*

326. That is a contract running?—I have a contract running.

Chairman.

327. Is it then a question of expense?—A question of expense. I do not hold out any hopes that I could do it satisfactorily in the time; not to my own satisfaction, at any rate. It could be done.

Chairman—continued.

328. You agree with the last witness that it can be done?—It could be done, but I do not think at all satisfactorily.

329. The question is merely one of expense?—I do not think expense would get over the unsatisfactory way in which we have to carry it out. We should have a great many mistakes.

Mr. *Long.*

330. You mean by mistakes, inaccuracies which would disfranchise people?—There would be a great many inaccuracies, for instance, in that star list and the new list. If we have to do it in such a hurry we should not get the whole of the voters on the list.

Mr. *Hobhouse.*

331. The slipping up or down of a star would disfranchise a man?—Yes.

Mr. *Billson.*

332. Did you have to do with the register in 1885?—Yes. I am afraid in that year we had many mistakes.

Mr. *Hobhouse.*

333. You are afraid that this year you would have a great many more mistakes?—Yes.

Sir *Charles Dilke.*

334. Did you hear the questions I put to the previous witness with regard to the circular as to owners' lists?—Yes.

335. Have you issued this circular in your county?—No.

336. Do you consider it your duty to divide your ownership list?—Yes; unless the overseers do it.

337. They will not do it if you do not tell them to do it, and they may not do it if you tell them?—That is so.

338. You would have to do it?—I should have to do it. I did not see it was in my power to issue a circular of that sort, but I issued the usual precept with a note at the end,—"You will possibly receive a second precept from me." That second precept has never been received from me.

339. I suppose you thought that possibly there would be an Order in Council?—Quite so.

Mr. *Billson.*

340. Have you had any inquiries about the divisions of the wards?—Not very many. I have had five or six.

341. Have

Sir *Charles Dilke.*

341. Have you divided anywhere or have you retained anywhere divisions into wards which conflict with the Parliamentary polling districts?—In one instance.

Mr. *Billson.*

342. Have you had the parish of Northam before you yet?—No.

Sir *Charles Dilke.*

343. I am personally interested in a county where it has been decided that the clerk of the peace is to divide the ownership lists and make the new lists in alphabetical order. So that there will be an additional call upon his time after the sitting of the revision court?—There must be.

344. What I do not understand, and probably you will tell me your opinion upon, is how it can be necessary, but for that additional work, to spend so much time upon a revision of lists which is accomplished in so short a time in boroughs?—They are so much longer, and the additional number of names is so much greater, and when they come into me they come in in a haphazard way.

345. They come in in as haphazard a way in boroughs. The revising is done with the same blunted or broken pencils, and in the same hurry as it is in the counties?—Yes. I do not think they all arrange their voters alphabetically.

346. You think the street list is quicker?—Yes.

347. There is very great risk of the names of applicants and persons objected to not being properly found in their right streets?—There is.

Mr. *Hobhouse.*

348. Is all your printing done by one printer?—Yes.

349. At Exeter?—Yes.

350. You would find great difficulty in altering that arrangement?—I do not think I could alter it.

351. Because you must be in constant communication with the printer?—I think a printer out of the town in which I live and in which my offices are situated would render the thing perfectly impossible, if I could not get a man in the town to do it.

352. Have you ever issued tenders in your county for printing?—We issued tenders, but I have never got an outside one.

353. You cannot form any estimate at all of the increased cost here?—No, I did not come to London expecting to give this evidence. I have made no calculation. I should not like to give misleading figures.

354. You could not give the Committee the increased cost in 1885?—Not at this moment. I could furnish the Committee with it.

Mr. *Wharton.*

355. It depends very much if the county has a contract with the printer, I suppose?—Yes.

356. And the expense may be very considerably increased? If there was no contract running the expense need not be so considerable?—That is so.

Mr. *Wharton*—continued.

357. Each county would vary with regard to the condition in which it is as to a contract?—Yes.

Chairman.

358. Is the contract that the register is to be printed by the 20th December?—The 20th December.

359. For so many years?—Yes.

360. That being the case, your opinion is that you are at their mercy?—That is my opinion. I think if you could see your way to allow that 20th December to remain, it would be an immense advantage all through the kingdom.

Mr. *Hobhouse.*

361. You would have to increase your staff?—If this Bill passes as it is I must do so.

Sir *John Dorington.*

362. Are all your townships to be completed by the 25th July?—No, my inquiries are fixed at present up to the 12th July. My council meets next Thursday, and an adjourned council will be fixed when the orders at present prepared will be sealed or signed. I have inquiries fixed at present up to the 12th July.

363. Owners' claims with regard to those particular parishes cannot be made?—They cannot be made.

Mr. *Billson.*

364. With regard to Sub-section 3, you have noticed that the revising barrister is to take one district. Take Torrington and Bideford, is there any objection to their mixing them up in that way?—It would be of great advantage to me if they did not. I understand that clause is to prevent it. If it does prevent it, it will be a great benefit.

Sir *John Dorington.*

365. In Section 84, Sub-section (*b*), of the Local Government Act of 1894, there is a provision that the clerk of the county council shall make such adjustment of the registers of parochial electors as the division or alteration may render unnecessary for enabling every parochial elector to vote at the first election in the ward, union, or district in which his qualification is situate. Do you think that would enable you to put an owner on to a new parish for which he had not claimed?—I should not think that it carried me so far as that. I should not like to do it.

366. It would merely carry you so far that the person named being on the list you could put him in the proper ward?—Yes. I do not think I could go further.

Mr. *Hobhouse.*

367. Supposing he had property in more than one ward you would have power to put him on the ward he chose?—I should have great difficulty in doing more.

Mr. *Wharton.*

368. Will there be any difficulty in letting us know what the additional cost was in 1885?—No, I will send it up.

Mr. Robert William Merriman, called in; and Examined.

Chairman.

369. You are clerk to the County Council of Wiltshire?—Yes.

370. Have you long had the superintendence of the register?—Yes, for many years.

371. Have you considered the dates of this Bill?—The dates only. I should be very glad of more time.

372. You are one of the minority?—No. I am one of those who say if it is to be done we must do it, and we shall do it; but it will be done in a hurry and done imperfectly, I fear.

373. It can be done, you think?—It shall be done.

374. It is not so much with the view to the question of printing?—Yes, the difficulty of printing is my difficulty. I lose time upon this list between the dates at which the revising barristers' lists reach me revised and the delivery of the completed register.

Sir *Charles Dilke.*

375. How is it they can do it so quickly in boroughs?—I do not know. I must say that I had not until last evening the knowledge that I should have the honour to be here to-day. That of course is a question that occurs to everybody. There is this great difference in the boroughs, the small boroughs with which I am acquainted contain long lists in a comparatively small number of parishes, whereas we have to deal with 340 parishes, each with its separate lists, and it is the manipulation of those parishes which is one of the difficulties.

376. That tells both ways, because a very long list of a single parish is more difficult to get into alphabetical order and to keep in it?—The lists in boroughs are very often printed in street order, and if the pages of which the ultimate register is composed are an actual reproduction of the printed sheets reaching the compiling official from the overseers, so long as you keep those sheets in order, the insertion of names is not a matter of very great difficulty.

Mr. *Billson.*

377. Do you think it important that Sub-section 3 should be in?—I am happy to say that I appear to be freer of difficulties than many of my brothers. I have never had the difficulty which Clause 3 would remedy.

Sir *Charles Dilke.*

378. With regard to this circular, did you issue this circular?—No. I ought to say in Wiltshire, probably by design, there has been as yet less occasion for the division of parishes than possibly there has been in other counties.

379. I suppose in Wiltshire there are some cases of parishes which are partly urban and partly rural?—Yes.

380. They will be divided by the Act?—Yes.

381. Somebody must divide the freeholders?—Yes; there are two parishes in which I have had occasion to write special letters.

Sir *Charles Dilke*—continued.

382. You have written special letters. Have you told the overseers to do it?—Yes.

383. Then you have acted in the lines of that circular?—That is to say, I have told them to be prepared to do it, in fact, to get lists ready for me.

384. Supposing they refuse; I suppose you feel you have no power to make them do it?—No.

385. There is a certain conflict betwen the directions to do it and the terms of the precepts?—That is so. I am happy to say I have no obstinate overseers.

386. You probably know that in some counties the county clerks take the view that they must do it themselves?—I have not heard that.

387. Supposing that you do not do it yourself, you will not have in the time after the lists are delivered to you from the revision court, any of these great difficulties in the actual preparation of the register. You cannot alter the register after the revising barrister has passed it?—I should say certainly that I could not alter it.

388. Therefore, as far as this Bill goes, there does not seem to be any special ground of time this year in connection with the printing?—No, I think not. Short of other disturbances of one's office staff, I cannot feel that the instance of this year will be more severe than those of other years, except that the initiation of any new process is always a matter of difficulty. The work itself is not of special difficulty.

389. The new process will all be over before the conclusion of the revision courts?—In the process you do not include printing and the revision. There will be a great deal of new work in the printing and revision work. The printer is not absolutely familiar with it. Some little care will be needed even in one's own office directly some new work comes in and a new scheme has to be followed. Very great care becomes necessary.

Mr. *Hobhouse.*

390. Where do you do your printing?—In Wiltshire.

391. By one printer?—By one printer.

392. Have you any contract with him?—Yes, it is now current for the last year. I think it is the last year.

393. This year is included in the contract?—Yes.

394. So that you would be rather at his mercy if you had to do it?—Yes, that would be so. I should have to come to terms with him.

395. You can form no estimate of the increased cost?—Twenty-five per cent. did not strike me as too high. At the present moment I pay at the rate of 7*l.* 5*s.* per thousand, or 14*s.* 6*d.* a hundred. I should expect to have to pay 17*s.* 6*d.* per hundred.

396. That is the increased cost for printing alone?—Yes, the printing alone. I should have to increase my own staff, which is always a matter of difficulty, because you cannot import skilled hands all at a moment, and if you assign out of your own staff three or four whom you rely

Mr. *Hobhouse*—continued.

rely upon for your registration work, if you assign them to one department, you have to import three or four men who are not familiar even with the county work.

Mr. *Long.*

397. In 1885, was the additional cost considerable in Wiltshire?—I am sorry to say, not knowing I should be here to-day, I did not go into it. It was considerable, and the work was very severe indeed. I myself was broken down by it, and it was ultimately achieved by my having three or four clerks at the printing office correcting the sheets as they came hot from the press, and for three or four days they never took off their clothes.

398. Do you anticipate there will be anything of the same sort this time?—No; with the experience of 1885 I think I should make my preparations beforehand.

399. You hope to avoid it by the arrangements you make yourself?—Yes.

Mr. *Billson.*

400. What was the date when the 1885 register came into operation?—It was later in the year; but if I remember rightly there was a breakdown of printers. The ultimate stress arose from that very fact, that they imported a number of new hands for the work, and these fellows all left. I think there was something special there. That would be an instance of the breakdown in the printing establishment.

Mr. *Long.*

401. Would you kindly take this, which is an amendment which has been handed to me, and tell me what your opinion of it is; it is somewhat simple?—That would simplify matters. It is to omit the description of qualifying property.

Chairman.

402. Would that expedite matters very much if it was done?—Certainly; it would be so much less to examine, and I should find it very difficult to give you in point of time, or any other way, an appreciable estimate of the expedition it would achieve. It would simply relieve us of a great deal of trouble. I should say a great many of our *errata* arise from the qualifications.

Mr. *Wharton.*

403. Will you have any difficulty in letting us know what the additional cost was in 1885?—I will certainly send that with the greatest pleasure. May I be allowed to say that the abstract in Wiltshire is of no use whatever to the revising barrister. One barrister expressly wrote to me and begged I would not trouble him on the subject. I now deliver it with the lists.

REPORT

FROM THE

SELECT COMMITTEE

ON

PAROCHIAL ELECTORS (REGISTRATION ACCELERATION) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1894.

[*Price* 3 *d.*]

163. *Under* 3 *oz.*

SPECIAL

REPORT

FROM THE

SELECT COMMITTEE

ON THE

PATENT AGENTS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
25 *July* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

Patent Agents Bill.

[*Wednesday, 4th April* 1894]:—Read a second time, and committed to a Select Committee.

Patent Agents Registration Bill.

[*Wednesday, 11th April* 1894]:—Read a second time, and committed to the Select Committee on Patent Agents Bill.

Patent Agents Bill.

Committee nominated—[*Friday, 20th April* 1894]—of—

Mr. Thomas Henry Bolton.	Mr. Edward M'Hugh.
Mr. Bousfield.	Mr. Mather.
Mr. Broad.	Mr. Nussey.
Mr. Alban Gibbs.	Mr. W. F. D. Smith.
Mr. Heywood Johnstone.	Mr. Warmington.
Sir John Leng.	

Ordered,—That the Committee have power to send for Persons, Papers, and Records.

That Three be the Quorum of the Committee.

SPECIAL REPORT - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - - p. vii
MINUTES OF EVIDENCE - - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - p. 189
INDEX - - - - - - - - - - - - - - p. 205

SPECIAL REPORT.

THE SELECT COMMITTEE to whom the PATENT AGENTS BILL and the PATENT AGENTS REGISTRATION BILL were referred, have agreed to the following SPECIAL REPORT:—

ON the 30th December 1885, the Board of Trade appointed a Committee, consisting of Lord Herschell (then Sir Farrer Herschell), the Earl of Crawford, and Baron Henry de Worms, M.P., to inquire into the duties, organisation, and arrangements of the Patent Office; and this Committee was, by another Order of the Board of Trade of the 3rd March 1886, reconstituted, by the addition of Sir Bernhard Samuelson, Bart., M.P., Sir Richard Webster, Q.C., M.P., and Mr. C. T. D. Acland, M.P.

In the course of the inquiry the position of patent agents came to be incidentally considered; and in the Report the Committee expressed the following opinion:—

"Strong representations have been made to us in favour of the creation of a roll of patent agents. It is said that there are persons calling themselves patent agents who possess neither the requisite knowledge or integrity, and that occasionally inventors who are poor, and not highly educated, suffer seriously in consequence. Some witnesses urged that if a roll of duly qualified agents were created the Patent Office should be permitted to deal only either with the inventor himself or with an agent on the roll. We cannot recommend such a regulation, and we think it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof. The matters upon which the Office has to communicate with inventors are sometimes of a character quite untechnical, and it would be a hard measure to prevent an inventor in the provinces from transacting his business with the Office in such cases through the agency of a friend residing in London. And we do not see our way to distinguish in an enactment between cases of this nature and those requiring technical knowledge, even if we thought it desirable to create a monopoly in favour of agents on the roll.

"We think, however, that it would be of public advantage to provide a means of securing a roll of patent agents consisting of duly qualified persons, the admission to which should be possible and easy for all persons so qualified. With this object we would suggest that steps should be taken with a view to fixing a standard of qualification for the title of patent agent. And it might perhaps be well to enact that any person should be subject to a penalty who without being on the roll assumed the title of patent agent either by advertisement or by description on his place of business or on any documents issued by him."

By the Patents, Designs and Trade Marks Act, 1888, it was enacted as follows:

(1.) After the first day of July one thousand eight hundred and eighty-nine, a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him or otherwise, unless he is registered as a patent agent in pursuance of this Act.

(2.) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are, in the opinion of the Board, required for giving effect to this section, and the provisions of Section one

At the same time the Committee are of opinion that it would be of public antage to give to persons practising as patent agents an improved professional standing and organisation, and to establish disciplinary control with reference to them. The Committee also think that it would be desirable to a certain extent to associate with patent agents persons who, as trademark agents, transact business at the Patent Office, and have patent agency work frequently entrusted to them; and the Committee hope that the Bill reported by them as amended will give all reasonable facilities for such persons to become registered patent agents.

The Committee do not consider that the Chartered Institute of Patent Agents, as at present constituted, sufficiently represents the general body of the practitioners at the Patent Office. Of the 245 registered patent agents only about 70 are members of the Chartered Institute, while another organised body of patent agents, the Society of Patent Agents, has 35 registered patent agents on its list of members, and many most respectable patent agents belong neither to the Chartered Institute nor to the Society.

The governing body, having the control of the register and exercising powers of discipline, must represent not only the patent agents who are members of the Institute but the larger number who are not members, and, accordingly, unless the Bill as amended by the Committee, or some measure on similar lines, should become law at an early date, the Committee are of opinion that the Board of Trade should remove the register and the appointment and control of the registrar and the examinations from the Chartered Institute, and make other arrangements to carry out the provisions of Section 1 of the Act of 1888. In that case the Chartered Institute should be required to pay over to Her Majesty's Treasury the balance of the fees levied under the rules of the Board of Trade after providing for any proper expenses that have been incurred.

With regard to the Chartered Institute the Committee are of opinion that the fees hitherto charged for membership, and which are the same for country members, who may derive little or no advantage from membership as compared with town members, have been on a scale which has prevented many patent agents from seeking to avail themselves of its advantages, and the conditions with regard to election also appear somewhat onerous.

The Committee have considered both the Bills referred to them, and have decided to take the Patent Agents' Registration Bill (the Bill brought in by Mr. Warmington and other honourable Members) as a basis for their proceedings, and they have amended such Bill to embody the legislation which, in their opinion, is desirable.

The other Bill (the Patent Agents Bill) they beg to report to the House, without Amendment.

25 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Monday, 30*th April* 1894.

MEMBERS PRESENT:

Mr. T. H. Bolton.	Mr. W. F. D. Smith.
Sir John Leng.	Mr. Alban Gibbs.

Mr. T. H. Bolton was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, 8th May, at Three o'clock.

Tuesday, 8*th May* 1894.

MEMBERS PRESENT:

Mr. T. H. Bolton in the Chair.

Mr. Bousfield.	Mr. Edward M'Hugh.
Mr. Alban Gibbs.	Mr. Mather.
Mr. Heywood Johnstone.	Mr. W. F. D. Smith.
Sir John Leng.	Mr. Warmington.

Mr. *F. G. S. Hopwood* was examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 10*th May* 1894.

MEMBERS PRESENT:

Mr. T. H. Bolton in the Chair.

Mr. Alban Gibbs.	Mr. Bousfield.
Mr. Mather.	Sir John Leng.
Mr. Warmington.	Mr. W. F. D. Smith.

Mr. *Lloyd Wise* was examined.

[Adjourned till Thursday, 24th May, at Three o'clock.

Thursday, 24*th May* 1894.

MEMBERS PRESENT:

Mr. T. H. Bolton in the Chair.

Mr. Bousfield.	Mr. Mather.
Sir John Leng.	Mr. Warmington.
Mr. Alban Gibbs.	

Mr. *Lloyd Wise* was further examined.

[Adjourned till Tuesday next, at Three o'clock.

Tuesday, 29th May 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Sir John Leng.	Mr. Alban Gibbs.
Mr. Heywood Johnstone.	Mr. Bousfield.
Mr. W. F. D. Smith.	Mr. Mather.
Mr. Nussey.	Mr. Warmington.

Mr. *John Imray* and Mr. *H. Hargrave Graham* were examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 31st May 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Mather.	Mr. Warmington
Sir John Leng.	Mr. Alban Gibbs.
Mr. Nussey.	Mr. Bousfield,

Mr *Edward Carpmael,* Mr. *J. S. Fairfax,* and Mr. *E. T. Bristow* were examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 5th June 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Mather.	Mr. W. F. D. Smith.
Sir John Leng.	Mr. Nussey.
Mr. Heywood Johnstone.	Mr. Bousfield.

Mr. *W. Gadd* and Mr. *H. J. Haddan* were examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 7th June 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Sir John Leng.	Mr. Mather.
Mr. Allan Gibbs.	Mr. Nussey.
Mr. Heywood Johnstone.	

Mr. *James Wann* and Sir *Henry Reader Lack* were examined.

[Adjourned till Tuesday next, at Three o'clock.

Tuesday, 12*th June* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Alban Gibbs.	Mr. Mather.
Sir John Leng.	Mr. W. F. D. Smith.
Mr. Edward M'Hugh.	

Sir *Courtenay Boyle*, K.C.B. was examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Sir John Leng.	Mr. Mather.
Mr. Alban Gibbs.	Mr. Warmington.
Mr. Nussey.	Mr. W. F. D. Smith.

Mr. *Joseph Lockwood* and Mr. *Thomas Wilkins* were examined.

[Adjourned till Thursday next, at Three o'clock.

Thursday, 21*st June* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Heywood Johnstone.	Mr. W. F. D. Smith.
Mr. Mather.	Mr. Bousfield.
Mr. Alban Gibbs.	

Room cleared. The Committee deliberated.

Mr. *J. C. Mewburn* and Mr. *J. S. Fairfax* were examined.

[Adjourned till Thursday, 5th July, at Three o'clock.

Thursday, 5*th July* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Sir John Leng.	Mr. Nussey.
Mr. Heywood Johnstone.	Mr. Warmington.
Mr. Bousfield.	Mr. Mather.

Motion made, and Question, That the Patent Agents Registration Bill be now considered —(The *Chairman*)—put, and *agreed to*.

The Committee deliberated.

[Adjourned till Tuesday, 17th July, at Four o'clock.

Tuesday, 17*th July* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Heywood Johnstone.	Mr. Nussey.
Mr. Bousfield.	Mr. Mather.
Mr. Warmington.	Mr. W. F. D. Smith.
Sir John Leng.	

Room cleared. The Committee deliberated.

Preamble *postponed.*

Clause 1, amended, and *agreed to.*

Clause 2.—Amendment proposed, in line 19, to leave out from the words "Institute of" to the words "eighty-two," in line 21, in order to insert the words "Statutory Committee means the Statutory Committee of Patent Agents hereinafter mentioned"—(The *Chairman*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Proposed words inserted.

Another Amendment made.

Another Amendment proposed, to leave out from the words "Final Examination," in line 27, to "1891," in page 2, line 5—(The *Chairman*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Another Amendment made.

Clause, as amended, *agreed to.*

[Adjourned till Thursday next, at Four o'clock.

Thursday, 19*th July* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Bousfield.	Mr. Heywood Johnstone.
Sir John Leng.	Mr. Alban Gibbs.
Mr. Nussey.	

Clause 3, amended, and *agreed to.*

Clause 4, *disagreed to.*

Clause 5, amended, and *agreed to.*

Clause 6, *disagreed to.*

Clause 7.—Amendment proposed, in line 3, after "1888," to insert the words "or (*b*) proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a Patent Agent"—(Mr. *Heywood Johnstone*).—Question proposed, That those words be there inserted.

Amendment proposed to the proposed Amendment, after the word "that," to insert the words "during one year"—(Mr. *Bousfield*).—Question, That the words "during one year" be inserted in the proposed Amendment,—put, and *agreed to.*

Amendment, as amended, inserted.

Other Amendments made.

Another Amendment proposed, in line 9, to leave out Sub-section (2), in order to insert the words "no person shall be entitled to be registered under Sub-sections (*b*) or (*d*) of this section after the thirty-first day of December eighteen hundred and ninety-five"—(Mr. *Heywood Johnstone*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Proposed words inserted.

Clause, as amended, *agreed to.*

Clauses 8—12, amended, and *agreed to.*

Clause 13, *disagreed to.*

[Adjourned till To-morrow, at Three o'clock.

Friday, 20*th July* 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Heywood Johnstone. | Mr. Bousfield.
Mr. Nussey. |

Clauses 14—17, amended, and *agreed to.*

Clause 18, *disagreed to.*

Clause 19, amended, and *agreed to.*

Clause 20.

Amendment proposed, in page 8, line 10, after the words "received by the" in line 3, to insert the words "Statutory Committee under this Act, shall be applied in paying the salary of the registrar, and the expenses of keeping the register; also in paying the expenses of the examinations, and all other expenses incurred by the Committee with the consent of the Board of Trade; and any balance there may be shall from time to time be paid over to Her Majesty's Treasury. The accounts of the Committee shall be audited annually in such manner as may be prescribed by the Board of Trade. The balance of any fees arising from or in connection with the register or the examinations under the registration of patent agents' rules, 1889 to 1891, now held by the Institute, shall after discharging all outstanding liabilities be paid to the Committee, to be used by them to defray expenses connected with the discharge of their duties, and the disposition of the money shall be subject to the audit aforesaid"—(The *Chairman*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Clause, as amended, *agreed to.*

Clause 21, *agreed to.*

Clause 22, amended, and *agreed to.*

Clause 23, *agreed to.*

Clause 24, *disagreed to.*

Clause 25.—Amendment proposed, in page 8, line 30, to leave out from the word "for" to the end of the Clause, in order to add the words, "Regulating the making, hearing and determining of—

"(*a*) Appeals to the Statutory Committee from the refusal of the registrar to register the name of an applicant, and appeals from the Statutory Committee to the Court where the said Committee affirm the registrar's decision.

"(*b*) Applications to the Statutory Committee in the exercise of its disciplinary jurisdiction.

"(*c*) Reports from the Statutory Committee and further proceedings thereon before the Court"—(The *Chairman*).—Question, that the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Proposed words added.

Clause, as amended, *agreed to.*

Clause 26, amended, and *agreed to.*

Clause 27. Amendments made.

Amendment proposed, in page 9, line 18, to leave out from the words, "nor shall" to the end of the Clause, in order to add the words, "Fellows or members of the Institute, and the remaining members shall be a barrister-at-law or a solicitor not a member of the Institute. The three members of the Institute and the three non-members shall be nominated by the Controller General, and the barrister-at-law or solicitor shall be nominated by the Lord Chancellor.

"(3.) The barrister-at-law or solicitor shall be chairman of the Committee and shall have a second or casting vote in case of equality of votes.

"(4.) Any vacancy occurring in the committee of election shall be filled by the nomination of a new member, nominated in the same way as the member whose appointment has been vacated; any Act done by the Committee during any vacancy shall not be invalidated or affected thereby.

"(5). Three members of the committee of election, of whom the chairman shall be one, shall form a quorum.

"(6.) There shall be paid out of the funds of the Institute to the members of the committee of election such remuneration, if any, as the Board of Trade may prescribe"—(The *Chairman)* —put, and *agreed to.*

Question, that the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Proposed words added.

Clause, as amended, *agreed to.*

Clause 28, *agreed to.*

Clause 29, amended, and *agreed to.*

Clause 30, *disagreed to.*

New Clause, brought up and read the first time, as follows—(*Chairman*):—

The Statutory Committee.

Statutory Committee.

1. There shall be a committee, to be called the Statutory Committee of Patent Agents, partly nominated by the Institute and partly elected by registered patent agents who are not members of the Institute.

2. The persons nominated by the Institute shall be in proportion to the number of registered patent agents who are members of the Institute, and the persons to be elected shall be in proportion to the number of registered patent agents who are not members of the Institute.

3. The Board of Trade shall make, and may from time to time alter rules fixing the exact number of nominated and the exact number of elected members of the Statutory Committee and providing for their nomination and election.

4. The Statutory Committee, in addition to the powers and duties conferred and imposed by this Act may discharge such duties of the Board of Trade under Section 1 of the Act of 1888 as the Board of Trade shall delegate to such Committee. And the Board of Trade shall have power to delegate any of such powers and duties.

Future transfer of powers of Statutory Committee to Council by Institute.

5. When and so soon as the Institute shall include two-thirds of the number of registered patent agents then it shall be lawful for the Board of Trade to issue a certificate to that effect, and thereupon the rights hereby conferred and the duties hereby imposed upon the Statutory Committee shall be enjoyed and discharged by the Council of the Institute, and the provisions of this Act with regard to the Statutory Committee shall apply (so far as they are applicable) to the Council of the Institute—(The *Chairman*).

New Clause, 2*a*, read a second time and added to the Bill.

New Clause, brought up and read the first time, as follows :

Power of Court to order removal and restoration of name to register.

The Court shall have power on the report from the Statutory Committee to direct the removal from the register of the name of any registered patent agent, and where the Court directs such removal the name ordered to be removed shall not again be entered on the register except by order of the Court. The Court may order the restoration of such name to the register at any time—(The *Chairman*).

New Clause read the second time and added to the Bill.

New Clause read the first time, as follows :

Board of Trade Rules.

Cancellation of existing Board of Trade rules.

18. The Registration of Patent Agents, Rules, 1889 to 1891, are hereby cancelled. The Board of Trade shall make rules to give effect to Section I of the Act of 1888 and to this Act, and may from time to time make such further or other rules as the Board of Trade may deem necessary to carry out the purposes of the said Acts. The provisions of Section 101 of the Patents, Designs, and Trade Marks Act, 1883, shall apply to all rules so made as if they were made in pursuance of that section—(The *Chairman*).

New Clause read a second time and added to the Bill.

Patent Agents' Charges.

New Clause brought up and read the first time, as follows :

Taxation of Patent Agents' charges.

18*a*. All fees and charges made by any patent agent for business done by him for any person in respect of any patent, or any application for, or any opposition to the grant of letters patent shall be subject to taxation by an officer for that purpose nominated by the Board of Trade, and the said Board shall have power to make rules as to how and subject to what condition such taxation shall be had—(The *Chairman*).

New Clause read a second time and added to the Bill.

The First Schedule amended, and *agreed to.*

The remaining Schedules of the Bill were *disagreed to.*

Preamble *agreed to.*

Question, That the Bill, as amended, be reported to the House—put, and *agreed to.*

Ordered, to Report, together with the Minutes of Evidence and an Appendix.

Question, That the Patent Agents Bill be reported to the House without amendment—put, and *agreed to.*

Ordered, To Report.

The Committee adjourned till Tuesday next, for the consideration of their Special Report.

Tuesday, 24th July 1894.

MEMBERS PRESENT:

Mr. T. H. BOLTON in the Chair.

Mr. Heywood Johnstone.	Mr. Alban Gibbs.
Sir John Lerg.	Mr. Nussey.

DRAFT SPECIAL REPORT, proposed by the *Chairman,* brought up and read a first time, as follows:—

"On the 30th December 1885, the Board of Trade appointed a Committee, consisting of Sir Farrer Herschell, the Earl of Crawford, and Baron Henry de Worms, M.P., to inquire into the duties, organisation, and arrangements of the Patent Office; and this Committee was, by another Order of the Board of Trade of the 3rd March 1886, reconstituted, and to consist of Lord Herschell (then Lord Chancellor), the Earl of Crawford, Baron Henry de Worms, M.P., Sir Bernhard Samuelson, Bart., M.P., Sir Richard Webster, Q.C., M.P., and Mr. C. T. D. Acland, M.P.

"2. In the course of the inquiry the position of patent agents came to be incidentally considered; and in the Report the Committee expressed the following opinion:—

"'Strong representations have been made to us in favour of the creation of a roll of patent agents. It is said that there are persons calling themselves patent agents who possess neither the requisite knowledge or integrity, and that occasionally inventors who are poor, and not highly educated, suffer seriously in consequence. Some witnesses urged that if a roll of duly qualified agents were created the Patent Office should be permitted to deal only either with the inventor himself or with an agent on the roll. We cannot recommend such a regulation, and we think it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof. The matters upon which the Office has to communicate with inventors are sometimes of a character quite untechnical, and it would be a hard measure to prevent an inventor in the provinces from transacting his business with the Offices in such cases through the agency of a friend residing in London. And we do not see our way to distinguish in an enactment between cases of this nature and those requiring technical knowledge, even if we thought it desirable to create a monopoly in favour of agents on the roll.

"'We think, however, that it would be of public advantage to provide a means of securing a roll of patent agents consisting of duly qualified persons, the admission to which should be possible and easy for all persons so qualified. With this object we would suggest that steps should be taken with a view to fixing a standard of qualification for the title of patent agent. And it might perhaps be well to enact that any person should be subject to a penalty who without being on the roll assumed the title of patent agent either by advertisement or by description on his place of business or on any documents issued by him.'

"3. By the Patents, Designs, and Trade Marks Act, 1888, it was enacted as follows:

> "1. (1) After the first day of July one thousand eight hundred and eighty-nine, a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him or otherwise, unless he is registered as a patent agent in pursuance of this Act.
>
> "(2) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are, in the opinion of the Board, required for giving effect to this section, and the provisions of Section one hundred and one of the principal Act shall apply to all rules so made as if they were made in pursuance of that Section.

 "3. Provided

"(3) Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act.

"(4) If any person knowingly describes himself as a patent agent in contravention of this section, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

"(5) In this section 'patent agent' means exclusively an agent for obtaining patents in the United Kingdom.

"4. The 'principal Act' referred to was the Patents, Designs, and Trade Marks Act, 1883, and Section 101 of that Act conferred upon the Board of Trade power to make general rules for regulating the business of the Patent Office, such rules to be laid before Parliament.

"5. At the time of the passing of the Act of 1888, there was in existence an association of patent agents called "The Institute of Patent Agents." This was in reality a company registered under the Joint Stock Companies Acts, and comprised amongst its members some of the leading patent agents.

"6. For the purpose of giving effect to the provisions of the Act of 1888, relating to the registration of patent agents, the Board of Trade, on the 11th June 1889, made rules to establish a register of patent agents, to enter on the register persons entitled to be placed thereon, to provide certain qualifying examinations to test the fitness of persons desirous thereafter to become registered patent agents, and to remove from the register persons guilty of disgraceful conduct; and the rules imposed certain fees for registration and for the qualifying examinations. The Board entrusted the custody of the register, the appointment of the registrar, and the examinations to the Institute of Patent agents.

"7. In the year 1891 the Institute was dissolved and ceased to exist, and in the place thereof the Chartered Institute of Patent Agents was, by Royal Charter dated the 11th August 1891, incorporated,

"8. On the 18th November 1891 the Board of Trade by rules of that date transferred the powers and duties of the Institute of Patent Agents (under the before-mentioned rules of the 11th June 1889) to the Chartered Institute of Patent Agents.

"9. Under the before-mentioned Acts and rules a register of patent agents has been established, and has been carried on to the present time, by a registrar appointed by the Chartered Institute of Patent Agents. Altogether 274 individuals had been put on the register, of whom 257 were registered under the direction of the Board of Trade as persons established in practice before the Act of 1888, two were specially directed to be registered, and 15 were registered after having passed the examination. Some have died, 14 have been removed from the register for non-payment of fees, four have been removed at their own request, and one has been removed by the Board of Trade for misconduct. Out of the persons removed for non-payment of fees, five have been restored to the register. There are now 245 persons on the register.

"10. In the year 1892 a Mr. Lockwood, then a registered patent agent in practice at Glasgow, being of opinion that the Board of Trade had no power to authorise the levying of fees in connection with the register, refused to continue the payment of the annual registration fee of 3*l.* 3*s.*, and the Chartered Institute directed the removal of Mr. Lockwood's name from the register. This was done. The Chartered Institute then commenced legal proceedings in the Scotch Courts to restrain Mr. Lockwood from practising as a patent agent, and for the recovery of the penalty of 20*l.* imposed by the Act of 1888 on a person describing himself as a patent agent without being on the register. The Lord Ordinary (Lord Low) was of opinion that the pursuers in the action, the Chartered Institute and others, had a title to prevent a person not upon the register holding himself out as a patent agent, that the defender, Mr. Lockwood's name, not being upon the register of patent agents, it was illegal for him to describe himself as a patent agent; and a decision was accordingly given in favour of the pursuers.

"11. This decision was, on the 26th January 1893, reversed, on appeal to the Inner House of the Court of Session, the Judges there being unanimously of opinion that the rules made by the Board of Trade were *ultra vires.*

"12. This decision of the Court of Appeal in Scotland appears to have caused considerable embarrassment to the Board of Trade and to the Chartered Institute, and the existence of the register was imperilled. The right to levy fees having gone, it was difficult to see how the register could be maintained.

"13. In this state of things further legislation was clearly necessary, and the Chartered Institute, while deciding to appeal to the House of Lords against the decision of the Inner House of the Court of Session, caused a Bill to be prepared, not only to deal with the difficulties resulting from the decision, but to put the business or profession of patent agents on what the Chartered Institute considered would be a more satisfactory footing. This Bill was brought into this House in the present Session by Mr. Warmington and other honourable Members, and was read a second time, and is one of the Bills referred to this Committee.

"14. Another

"14. Another organized body of patent agents, the Society of Patent Agents, an association of registered patent agents, entitled to speak for many other patent agents, also prepared a Bill. The Bill was, in this present Session, brought into the House by Mr. Allan G. H. Gibbs and other honourable Members. It was read a second time, and is the other of the two Bills referred to this Committee.

15. Since the Bills were referred to this Committee, and while the Committee has been sitting, the appeal to the House of Lords against the decision of the Inner House of the Court of Session, in Mr. Lockwood's case, has been heard; and on the 11th July 1894 the judgment of the House of Lords was given. While this judgment affirmed the decision of the Inner House of the Court of Session on technical grounds, the noble Lords who dealt with the case declared that the rules of the Board of Trade were not *ultra vires*, but were such as the Board was entitled to make, and consequently that the fees charged under such rules were lawfully chargeable.

"16. The said judgment of the House of Lords to a certain extent removed the urgent necessity for immediate legislation; but it was pressed upon the Committee that it would be desirable to take advantage of the inquiry on which they had proceeded to endeavour to place the business or profession of agency in connection with the work of the Patent Office on a more satisfactory footing, in order more fully to carry out the intention of the Act of 1888, and to this course the Committee assented.

"17. The Committee have endeavoured to ascertain the opinions of the general body of patent agents, and have tried to induce them to co-operate in arriving at an understanding as to the terms of a Bill that would be acceptable to them all, and which might be treated as a Consent Bill, so far as all parties immediately interested were concerned; but the differences of opinion and difficulties raised have been such that the efforts of the Committee have not been successful, and the Committee have been left to deal with the matters before them without any such assistance.

"18. The persons practising in connection with the work of the Patent Office comprise, besides patent agents on the register, a number of trade mark agents who not only register trade marks and designs, but also take out patents for inventions; and there are also a large number of other persons who combine the work of patent agency with other professions and trades. Many inventors prefer to act for themselves or through friends and non-professional persons. In connection with patents, upwards of 25 per cent. of the provisional and complete specifications appear to be carried through by the parties themselves, or by persons not registered patent agents.

"19. The Committee concur in the opinion expressed by the Committee of 1865 and 1866, and consider that while it is desirable that there should be a roll of duly qualified agents practising at the Patent Office, there should be no regulation which should prevent solicitors or other professional men from transacting business at the Patent Office, or compel the inventor to employ any particular class of agent, or any agent at all. The Committee think that it would be most undesirable to put the exclusive right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof.

"20. At the same time the Committee are of opinion that it would be of public advantage to give to persons practising as patent agents an improved professional standing and organisation, and to establish disciplinary control with reference to them. The Committee also think that it would be desirable to a certain extent to associate with patent agents a class of persons who, as trade mark agents, transact business at the Patent Office, and have patent agency work frequently entrusted to them.

"21. The Committee do not consider that the Chartered Institute of Patent Agents, as at present constituted, sufficiently represents the general body of the practitioners at the Patent Office. Of the 245 registered patent agents only about 70 are members of the Chartered Institute, while another organised body of patent agents, the Society of Patent Agents, has 35 registered patent agents on its list of members, and many most respectable patent agents belong neither to the Chartered Institute nor to the Society. In addition to this many patent agents appear to have a want of confidence in the Chartered Institute, and object to its proceedings.

"22. The governing body, having the control of the register and exercising powers of discipline, must represent not only the patent agents who are members of the Institute, but the larger number who are not members, and, accordingly, unless the Bill settled by the Committee should become law in the present or the next Session, the Committee are of opinion that the Board of Trade should remove the register and the appointment and control of the registrar and the examinations from the Chartered Institute, and make other arrangements to carry out the provisions of Section 1 of the Act of 1888. In that case the Chartered Institute should be required to pay over to Her Majesty's Treasury the balance of the fees levied under the rules of the Board of Trade after providing for any proper expenses that have been incurred.

"23. The Committee have considered both the Bills referred to them, and have decided to take the Patent Agents' Registration Bill (the Bill brought in by Mr. Warmington and other honourable Members) as a basis for their proceedings, and they have amended such Bill to embody the legislation which, in their opinion, is desirable.

 "24. The

"24. The other Bill they beg to report to the House, without Amendment."

Draft Special Report proposed by the *Chairman*, read a second time, paragraph by paragraph.

Paragraph 1, amended, and *agreed to.*

Paragraphs 2—5, *agreed to.*

Paragraph 6, amended, and *agreed to.*

Paragraph 7, amended, and *agreed to.*

Paragraphs 8—9, *agreed to.*

Paragraph 10, amended, and *agreed to.*

Paragraphs 11—14, *agreed to.*

Paragraph 15, amended, and *agreed to.*

Paragraphs 16—19, *agreed to.*

Paragraph 20, amended, and *agreed to.*

Paragraph 21, amended, and *agreed to.*

Paragraph 22, amended, and *agreed to.*

Paragraphs 23–24, *agreed to.*

Amendment proposed that the following new paragraph be inserted in the Report:—

"With regard to the Chartered Institute the Committee are of opinion that the fees hitherto charged for membership, and which are the same for country members, who may derive little or no advantage from membership as compared with town members, have been on a scale which has prevented many patent agents from seeking to avail themselves of its advantages, and the conditions with regard to election also appear somewhat onerous."—(The *Chairman.*)—Question, That this paragraph be inserted in the Report,—put, and *agreed to.*

Question, that this Report, as amended, be the Special Report of this Committee to the House,—put, and *agreed to.*

Ordered, To Report.

EXPENSES OF WITNESS.

NAME OF WITNESS.	PROFESSION OR CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Joseph Lockwood -	Patent Agent - -	Glasgow - - -	3	3 3 –	5 15 3	8 18 3

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Tuesday, 8*th May* 1894.

PAGE

Mr. Francis Hopwood, C.M.G. - - - - - - - - - - - - 1

Thursday, 10*th May* 1894.

Mr. William Lloyd Wise - - - - - - - - - - - - - 22

Thursday, 24*th May* 1894.

Mr. William Lloyd Wise - - - - - - - - - - - - - 41

Tuesday, 29*th May* 1894.

Mr. John Imray - - - - - - - - - - - - - - - 61
Mr. Henry Howgrave Graham - - - - - - - - - - - - 79

Thursday, 31*st May* 1894.

Mr. John Imray - - - - - - - - - - - - - - - 85
Mr. Edward Carpmael - - - - - - - - - - - - - - 86
Mr. Joseph Sinclair Fairfax - - - - - - - - - - - - 92
Mr. Ebenezer John Bristow - - - - - - - - - - - - 103

Tuesday, 5*th June* 1894.

Mr. William Gadd - - - - - - - - - - - - - - 107
Mr. Herbert John Haddan - - - - - - - - - - - - - 119

Thursday, 7*th June* 1894.

Mr. James Wann - - - - - - - - - - - - - - - 129
Sir H. Reader Lack - - - - - - - - - - - - - - 139

Tuesday, 12*th June* 1894.

Sir Courtenay Boyle - - - - - - - - - - - - - - 148

Thursday, 14*th June* 1894.

Mr. Joseph Lockwood - - - - - - - - - - - - - - 156
Mr. Thomas Wilkins - - - - - - - - - - - - - - 169

Thursday, 21*st June* 1894.

Mr. John Clayton Mewburn - - - - - - - - - - - - - 178
Mr. Joseph Sinclair Fairfax - - - - - - - - - - - - - 185

MINUTES OF EVIDENCE.

Tuesday, 8th May 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Bousfield.
Mr. Alban Gibbs.
Mr. Heywood Johnstone.
Sir John Leng.
Mr. Edward McHugh.
Mr. Mather.
Mr. W. F. D. Smith.
Mr. Warmington.

MR. BOLTON, IN THE CHAIR.

Mr. FRANCIS HOPWOOD, C.M.G., called in; and Examined.

Chairman.

1. I BELIEVE you are Assistant Secretary to the Board of Trade?—I am.

2. You have come here on behalf of the Board, I understand, to give the Committee some information in regard to the subject of their enquiry?—I shall be glad to do so.

3–4. By the Patents Designs and Trade Marks Act of 1893, the Patent Office was placed, was it not, under the immediate control of an official called the Controller General of Patents, Designs, and Trade Marks?—Yes; and the Controller in his turn is amenable to the Board of Trade. The Board of Trade have therefore certain jurisdiction for administrative purposes over the Patent Office.

5. Are you prepared to give the Committee a short historical summary of the official action of your Board which has culminated in the introduction of these two Bills?—Yes.

6. The Patent Agents Registration Bill is a Bill which was introduced by the Institute of Patent Agents, I believe?—The Patents Agents Registration Bill was introduced by what is now known as the Chartered Institute of Patent Agents.

7. When was the first reference to the registration of patent agents which you have been able to find?—As a matter of historical interest I looked back into the Reports of Commissions and of departmental Committees which have from time to time been appointed in connection with the subject of Patent Law, and I find that when the Commission of 1864 made its Report, a minority report was put in by Mr. Hindmarch, a Queen's Counsel. He says: "Patent agents are not at present subject to the control of any court, or other authority, and there are

Chairman—continued.

therefore no adequate means of punishing them for malversation or gross incompetence. The right of persons to act as patent agents without being admitted solicitors or officers of the Court of Chancery has been too long established t be taken away, at all events so far as respects persons at present in practice. I beg leave to recommend that the names of all the present patent agents should be registered in the office of the Commissioner of Patents, and that no person should hereafter be permitted to practise as a patent agent until examined by some competent authority, in order to ascertain his competency: that all persons so registered as patent agents should annually obtain certificates of their right to practise, and should be made liable to be punished for misconduct by the Lord Chancellor or the Master of the Rolls." The Committee will bear in mind that prior to 1883 the Patent Office was under the jurisdiction of the Commissioners of Patents. That is the first reference I have found in a public document to a suggestion that a roll of patent agents should be kept.

8. What is the reference to the Report from which you have read?—It is the Minority Report of the Commissioners appointed to inquire into the working of the Patent Law in 1864. The Report is signed by Mr. Hindmarch alone. The Report of the majority was signed by Lord Stanley (the late Lord Derby), Lord Overstone, Sir William Erle, Sir William Page Wood (afterwards Lord Hatherley,) Sir Hugh Cairns, and others.

9. At that time, as the arrangements with regard to patents were under the direct control of the Lord Chancellor, the people who practised in getting patents were mostly lawyers, were

 they

Chairman—continued.

they not?—I am not prepared to say how far that may have been so.

10. The subject was touched upon again in 1872, was it not, when evidence was given before the Select Committee of the House of Commons in that year?—Yes; that was a Select Committee on Letters Patent, and I do not find any reference to the subject of a roll or qualification of patent agents in the Report, but it is several times touched upon in the evidence given before the Select Committee. For instance, Mr. George Haseltine was called in and examined by the Chairman, who was Mr., now Sir Bernhard Samuelson, and he was asked, at Question 1581, "Do you recommend any substitute for the examination?" (that was the question of the examination of specifications upon the American system) and the witness answered: "I think the only thing that is needed is perhaps better facilities for examination, and perhaps a better class of patent agents. (*Q.*) An examination by whom?—(*A.*) By the inventor, or his agent. (*Q.*) What do you mean by a better class of patent agents?—(*A.*) I think, as a body, we are a very decent class; but I think that there are some in the profession (though that is an expression not strictly applicable) that ought not to be in it, and I think we ought to be regulated by Act of Parliament. (*Q.*) Is it so in America?—(*A.*) Yes, it is so in America. (*Q.*) Are they licensed?—(*A.*) Not precisely licensed. They do pay a fee, as other professional men do, but I hardly think they rank as professional men. The Commissioner has power from Congress to expel anyone from practice for gross misconduct. He may do this with the sanction of the Secretary of the Interior.—(*Q.*) Has it been found necessary in many cases to make use of that power?—(*A.*) I cannot say that it has been necessary to use that power in many cases." I do not think I need trouble the Committee by reading further. The extract shows that the Committee had before them at that time a suggestion as to registration.

11. In the year 1882, or thereabouts, a voluntary association of patent agents, calling themselves the Institute of Patent Agents, applied to the Board of Trade for a licence under Section 23 of the Companies' Act of 1867, did they not?—Yes. Among the many functions imposed upon the Board of Trade by Parliament we have the duty of considering whether a licence should be granted to a company which seeks to be registered under Section 23 of the Act of 1867 without the word "limited."

12. What were the objects for which the Institute sought to be incorporated?—The Institute came to us for a licence to enable them to incorporate as the Institute of Patent Agents, and the objects, as I have them before me, are as follows: "(1) To form a representative body of the patent agents of the United Kingdom for the purpose of promoting improvements in the patent laws and in the regulations under which they are administered; (2) to frame and establish rules for the observance of patent agents in all matters appertaining to their professional practice; (3) to extend their opportunities and facilities for meeting,

Chairman—continued.

correspondence, and discussion, and interchanging ideas respecting matters connected with their professional practice, and generally to aid in the acquisition and dissemination of knowledge appertaining to their profession; (4) to raise and obtain moneys by subscriptions, donations, or otherwise for expenditure in accomplishing the objects of the association, and to expend such moneys when raised in accomplishing such objects"; and then a general clause in the usual form: "(5) The doing of all such lawful things as are incidental or conducive to the attainment of the above objects or any of them."

13. You are reading, I presume, from the memorandum of association?—Yes. That incorporation is a very important step, so far as the Board of Trade are concerned, in the history of the proceedings which have led up to the present difficulties; because it was under this memorandum of association, and under the licence which was given by the Board of Trade, that the Institute first received a position in the profession, a position which was afterwards enlarged to enable them to deal with questions which came before them.

14. The effect of an incorporation under that section of the Companies' Act is simply to associate the people who were subscribers or members together for common objects defined in the Memorandum of Association?—Precisely.

15. The object of applying to your Board is simply to dispense with the word "Limited"?—That is so.

16. That is practically the only purpose for which your Board is applied to, is not that so?—Yes; but, of course, under the terms of the section, an obligation is imposed on the Board of Trade to consider whether, in all the circumstances, the association sought to be registered is one which may fairly be registered within the terms of the section. By granting the license in 1882, the Board of Trade practically admitted that this was a proper association to be registered under the section.

Mr. *Mather.*

17. Would you explain how it came about that the Board of Trade granted the license to this institution. There were two points in their application to you, as I understand; one was to get your sanction to the incorporation of this company, and the other was to persuade you to give them a license to make certain rules and regulations for the conduct of their business?—Before incorporation they existed merely as a club, if one may so term it, and it was not then contemplated that they would have powers and facilities given to them to control what are now known as the Outside Patent Agents.

18. What did your license amount to?—It merely gave them power to incorporate themselves upon the register without using the word "limited."

19. You gave no power?—We gave no power. Any powers they got they took under the Companies' Act.

Chairman.

20. I believe there are a great many other societies

Chairman—continued.

ties relating to various trades and occupations which are also associated together under that section of the Companies' Act?—That is so.

21. It is not in any way singular in the case of this body?—No.

22. In granting that license you had no special reference to the desire of the patent agents to associate themselves together exclusively as a professional body?—Not at all. I would point out to the Committee that the license was granted three years before the appointment of the Departmental Committee presided over by Lord Herschell.

Sir *John Leng.*

23. The license was given in the year 1882?—In 1882.

Chairman.

24. So far as you know, was there any action or movement on the part of patent agents down to 1883, when the Act was passed, to amend and consolidate the law relating to patents?—I believe that a very largely signed memorial was presented to the Board of Trade by engineers, professional men, and others, some short time prior to the passing of the Act of 1883, praying for the establishment of a Roll of Patent Agents with removal for misconduct.

25. Is there anything in the Act of 1883 which refers to the subject before the Committee?—There is nothing in the Act itself as to Patent Agents' Registration. But as we are upon the Act of 1883, perhaps I may draw the attention of the Committee to Section 101, which carries the matter a little further from the historical point of view. By Section 101 of the Patents, Designs, and Trade Marks Act of 1883, power is given to the Board of Trade to make general rules for classifying goods and regulating the business of the Patent Office. The Board of Trade thought right under the powers conferred on them by that section, to make a rule which was subsequently laid before Parliament with others, and is, therefore, under the terms of the Act, to be looked upon as part of the Act. The rules I have before me were made in 1890. Rule 8 bears immediately upon the question of patent agents, and provides that an application for a patent must be signed by the applicant, but all other communications between the applicant and the Comptroller, and all attendances by the applicant upon the Comptroller, may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and if he so requires resident in the United Kingdom.

26. The agent there referred to is not a patent agent as distinct from an ordinary agent, as I understand?—He is not what by-and-bye we shall refer to as a person who holds himself out to be a patent agent.

27. You do not suggest that the word "agent," used in that clause of the rules, means a person who devotes himself to the transaction of patent business?—No.

28. Any person who acts for another is an agent?—Yes.

Chairman—continued.

29. Therefore, any person who is acting for anyone applying for a patent would come within that definition of agent?—Yes, if duly authorized.

Mr. *Mather.*

30. You mean, I presume, if authorized by the applicant?—By the applicant, to the satisfaction of the Comptroller.

Chairman.

31. Where is there a power on the part of the Comptroller to interfere between an applicant for a patent and the person whom he selects to carry the papers in?—The words are "duly authorized to the satisfaction of the Comptroller;" that is to say, the authorisation by the inventor to the agent must be shown to be good to the satisfaction of the Comptroller.

32. That is the extent of the authority?—Quite so.

33. It does not go to the extent of the selection of the agent by the Comptroller?—No.

34. I believe, in 1885, Mr. Imray, who was a very prominent patent agent and a representative man, read a paper before the Institute of Patent Agents on the Establishment of a Roll of Patent Agents?—Yes.

35. His view appears to have been that the Institute, which was constituted under the Companies' Act, should obtain a Charter, and subsequently go to Parliament for an Act similar to the Dentists' Act?—So I understand it.

36. I believe a gentleman named Mr. Lloyd Wise also read a paper?—Mr. Lloyd Wise, who is the able President of the Institute at the present time, also read a papar.

37. He advocated, did he not, the registration of patent agents, and control over them by a competent court or other authority?—He did.

38. That brings us down to the Departmental Committee of 1885 on the then Patent Office?—There is a remarkable feature, which may well be noted before we go to the Departmental Committee of 1885, and that is, that the Act of 1883 gave a great impetus to inventions, and led to an increase in the amount of work which was transacted by the Patent Office, and therefore by persons dealing with the Patent Office under that Act. I gather from reports of the Comptroller General of Patents that the number of applications for patents rose from 5,993 in 1883, to 17,110 in 1884, and to 25,112 in 1893. I only quote these figures to the Committee to show that patent agents must do an amount of work now of a responsible character which they did not do at the time Mr. Hindmarsh made his minority report in 1864. This large increase in business puts them in a position of greater responsibility towards their clients, and entitles them, as I submit, to be termed a profession.

39. You mean that the Act of 1883, reforming the Patent Law, led to a considerable increase of business?—Yes.

40. When the Office was re-organised, Mr. Lack was appointed comptroller, was he not?—Mr. Lack had had the control of the Patent Office before the Act of 1883, but he was re-appointed with the title of Comptroller

Chairman—continued.

General of Patents, Designs, and Trade Marks under that Act.

41. There was also a Deputy Comptroller appointed, was there not?—Yes.

42. Namely, Mr. Clark Hall?—Yes.

43. Had Mr. Clark Hall any experience of patent law or of the Patent Office when he was appointed?—I do not know that he had.

44. Was there any special reorganisation in the office with a view to obtaining the services of specially skilled officials; how were the officials appointed in pursuance of the Act of 1883?—I am afraid I cannot answer that question. The officers would be appointed by the President of the Board of Trade. Under the Act of 1883, as I have put it to the Committee already, the Patent Office became a subsidiary department of the Board of Trade, and the Board of Trade became responsible for the administration of the Patent Office in all the higher branches of administration.

45. In 1885 this Departmental Committeee was constituted, and it consisted, did it not, of Sir Farrer Herschell, the Earl of Crawford, and Baron Henry de Worms, M.P.?—Yes.

46. That Committee was reorganised a little later, and as reorganised it consisted of the Lord High Chancellor (Lord Herschell), the Earl of Crawford, Baron Henry de Worms, M.P., Sir Bernhard Samuelson, Bart., M.P., Sir Richard Webster, Q.C., M.P., and Mr. C. T. D. Acland, M.P.?—Yes. Baron Henry de Worms was the chairman of that Committee at first; and afterwards, when Sir Farrer Herschell became Lord Chancellor, he took the chair.

47. Would you wish to call our attention to any of the evidence given before that Cemmittee?—I should. I think the Committee have the Report before them.

48. That Report is the "Report of the Committee appointed by the Board of Trade to inquire into the Duties, Organisation, and Arrangements of the Patent Office under the Patents, Designs, and Trade Marks Act, 1883, having special regard to the system of examination of the specifications which accompany applications for patents now in force under that Act," presented to Parliament in 1887; the reference to the Blue Book is C. 4968, 1887?—Yes. I want to draw attention to the fact that that Committee was appointed specially to have regard to the system of examination of the specifications which accompany applications for patents in force under the Act of 1883, but that when they proceeded to take evidence from eminent authorities of one kind and another, the question which is now before this Committee (namely, the status and position of patent agents) was introduced by Sir William Thomson (now Lord Kelvin), an eminent authority upon matters connected with inventions. He gave evidence before that Committee, and at page 16 you will find, under examination by Sir Farrer Herschell (who was then in the chair), he was asked, Question 398: "Is there any other point to which you desire to refer?" and he replied, "The question of obtaining a patent without the assistance of a patent agent is a very important one that has been raised by what has taken place in connection with the late Act."

Chairman—continued.

(That is the Act of 1883.) "It was arranged that an applicant might act altogether independently of a patent agent, and no doubt that was a very beneficial arrangement. Inventors, however, find that notwithstanding the excellence of the arrangement in connection with the office, it is in most cases necessary to have the assistance of an agent, and I think that inventors are sometimes very much taxed by falling into the hands of unqualified agents. I would only suggest that agents, being recognised as they are legally in the working of the present Act, some qualification should be required of those that are recognised as agents, qualifications such as are recognised and in force in other branches of the legal profession." I think Sir William was there alluding to the rule that was made by the Board of Trade under the Act of 1883, to which I have referred.

Mr. *Bousfield.*

49. I thought you said that the rule which you read was made in 1890?—I was referring to a copy of the amended rules. The rule is in the amended rules of 1890; but it also appears, I believe, in the earlier rules made under the Act of 1883. Then the Earl of Crawford asked, "Such as membership of the Institute" (it is printed "Society" here, but there was no society then) "of Patent Agents, would you suggest, or something of that sort?" and the answer is, "I do not make that suggestion, because I do not know how far that would be a qualification. (Sir *Farrar Herschell*). You mean that they should be required to pass some examination?—(*A.*) Yes, and to give proof of qualification, to give proof of requisite legal and technical knowledge; because an inventor is very much at the mercy of people professing to be patent agents. He is told by many, 'Well, you will scarcely succeed in getting on without a patent agent.' That may be a private affair altogether for him, but as the Patent Office recognises patent agents distinctly, and has a form in fact which is signed, if you wish the matter to be done through an agent, I think that all who are allowed to be named as agents in that way should be on a list of qualified persons who are known to be qualified, and who have proved their qualifications in a satisfactory way. (*Q.*) There would be this difficulty, would not there, that the inventor who does not employ what is ordinarily called an agent to do skilled work for him, may employ some agent to do the more manual work of handing in his documents, communicating about objections that are taken, and so on?—(*A.*) Yes. (*Q.*) You could hardly prohibit an inventor from using for those purposes a person who had not passed an examination showing the requisite skill?—(*A.*) No, certainly not; but there should be no recognition of a person as a patent agent in such a case. I do not know sufficiently what the law is, whether there is any distinct recognition of a patent agent at present." I do not know that I need trouble the Committee with the next question and answer.

Chairman.

50. Will you read the latter portion of Answer 403?—Sir William says: "I would only

Chairman—continued.

only venture to suggest the question whether it might not be advisable, without prohibiting any one from acting in the manner you have explained, as assistant, or as agent in a certain sense, to have also an authorised class of patent agents who would have a similar position to solicitors." And then the next answer gives point to it. He is asked at Question 404: "So that a person might employ any agent, and need not employ a patent agent; but that nobody should be allowed to call themselves, or hold themselves out as patent agents unless the State had seen that they possessed certain qualifications," and he says, "Yes, I think it would be a great benefit if an inventor in looking up the Law List could find authorised patent agents; then he would not be at the mercy of people pretending to be qualified who are not. He might, if he pleased, employ anyone to do the mechanical business; but it would be a great benefit to the inventor to be able to look up a List, and find authorised patent agents. (*The Earl of Crawford.*) I believe that is the case in America?—(*A.*) I do not know. I think it would be a great advantage in this country to have it. (*The Chairman.*) They would be then like solicitors?—(*A.*) Yes. (*Q.*) It would be a separate profession?" Then Lord Kelvin added: "A separate profession; and it is a very important profession. There are a great many most excellent men who are patent agents, and I believe it would improve the general character of those who act as patent agents if they were recognised in the way I have suggested." Then further evidence was given, very much of the same kind. I do not know whether the Committee desire me to refer to any more of it.

51. Probably you would indicate by reference to the pages the evidence which you think bears upon the Inquiry we are now upon?—Yes.

Mr. *Mather.*

52. Of course, Sir William Thomson was not speaking as a patent agent; he was simply representing public opinion at the time?—He was, I take it, speaking as an eminent inventor.

Chairman.

53. Would you go to pages 21 and 22 of the Minutes of that Committee: you will find in those pages considerable evidence as to this point?—That is so; and also on page 39.

54. The evidence on page 39 is the evidence of Mr. Clark Hall, the Deputy Comptroller?—Yes.

55. At pages 40, 41 and 42, Mr. W. Phillips Thompson gives evidence bearing upon the point?—Yes, on page 40 and the following pages. Then at page 45 there is a passage bearing upon this question in Mr. A. J. Boult's evidence, at Question 885. Then the Comptroller gives evidence at pages 49, 50 and 51.

Mr. *Mather.*

56. Can you point to anything in Mr. Hall's evidence on page 39 that would make a link in the chain of history that you are giving us as to how this matter came forward?—No, I think not.

Mr. *Mather*—continued.

57. There is no expression of opinion bearing on that point?—I think there is no expression of opinion.

Chairman.

58. Questions 816, 817, 818, 819, 820 and 821 all refer to the subject matter of this inquiry?—Yes. I did not understand the honourable Member to put his question in that way; but I understood him to ask whether there was in that evidence to be found a link in the chain of history.

Mr. *Mather.*

59. You were tracing the growth of this desire to have a Society or Institute of Patent Agents; and I ask whether there is anything in Mr. Clark Hall's evidence, or in any of this evidence, that you would point to as bearing upon that?—If the honourable Member puts it to me in that way, I would prefer to refer him to the Comptroller's evidence on page 49. Mr. Clark Hall of course was an officer of position at the Patent Office, but he was in a subordinate position to the Comptroller, and I would sooner take the Comptroller's evidence. At page 49 the Lord Chancellor said: "We should be glad to hear any observations on any points that occur to you with reference to the questions that have been raised by the various witnesses," and the Comptroller replied, "I have made a few notes of the points which struck me. The first is with reference to Sir William Thomson's evidence" (which I have just read) "in answer to Question 403. I agree with the suggestion that it is desirable to have an 'authorised class of patent agents.' It seems to me that it would be a great advantage to inventors if they could be assured that persons practising as patent agents were fully qualified to perform the duties required. The legal recognition of patent agents would also enable the Patent Office to co-operate with them upon different terms, with the result that much of the friction at present existing would be removed. At the same time it would not be desirable for the Board of Trade or the Comptroller to regulate the conditions as to the requisite qualifications, &c., of such agents."

Chairman.

60. If you will turn to Question 960 you will see this matter of the patent agents is there resumed by the Witness?—Yes. Question 959 leads up to it: "(Sir *Richard Webster.*) Your practice, I think, is not to let the parties see the Examiner's report?—(*A.*) No; it is confidential. It goes to the law officers afterwards with the papers. (*Q.*) You have not considered the question of what would be the best way of dealing with patent agents; whether you would give them an examining right. You say you do not approve of their being licensed by the Board of Trade?—(*A.*) The question is whether it would be possible that they should be incorporated as a body to make rules and regulations for their own guidance. (*Q.*) Some-

Chairman—continued.

thing like solicitors?—(*A.*) Yes. (*Q.*) With regard to the existing ones, I mean?—(*A.*) That is the great difficulty. (*Q.*) Do you think three years' actual practice would be sufficient?—(*A.*) The late Master of the Rolls talked the matter over several times, and the question as to who could be admitted was the chief difficulty. (*Q.*) Do you find many young men coming up?—(*A.*) Yes, I think there are a good many. (*Q.*) Is there much difference in the way they do their work before you?—(*A.*) They seem to be well qualified. (*Q.*) I should like to know, in the interests of the public, with reference to this qualification, do you think that many mistakes are made, or much expense incurred, by the incompetent advice of so-called patent agents?—(*A.*) I do not think that there is, as far as I know, so much from that as there has been from persons practising with really a dishonest motive."

Mr. *Mather.*

61. At the time of that evidence the number of applications for patents was about 17,000 per annum, which was a large increase, was it not?—Yes.

Chairman.

62. Is there any other portion of that witness's evidence that you wish to call our attention to?—I think Question 976 is material. It is the Lord Chancellor who is asking the question: "Of course you could not refuse to permit a person to come on behalf of an inventor, as a mere conduit pipe or messenger, to bring documents or take them away?—(*A.*) No." Then on the same point, at Question 978, Mr. Lack is asked: "I suppose there might be cases where he could not afford to come up to London himself, and where perhaps he could get some friend in London to do it for him?—(*A.*) Yes, I recollect cases of that sort have arisen since 1884, where a working-man, or some friend, has come on behalf of a man in Newcastle, and in other places." That admits, as I think the Committee will see, on the part of the Comptroller, the necessity for the employment of an ordinary agent by the inventor, and a retaining of the right of the inventor himself to do his own business before the Patent Office.

63. The Committee upon that evidence made a Report, did they not?—Yes, the Committee reported, I think, in the same year. The Report does not seem to be dated.

64. Ths Report is signed by Lord Herschell, Sir Richard Webster, Baron Henry De Worms, Earl of Crawford, Mr. Acland, and Sir Bernhard Samuelson?—Yes. The 4th paragraph on page 7 of the Report is as follows: "Strong representations have been made to us in favour of the creation of a roll of patent agents, It is said that there are persons calling themselves patent agents who possess neither the requisite knowledge or integrity, and that occasionally inventors who are poor, and not highly educated, suffer seriously in consequence. Some witnesses urged that if a roll of duly qualified agents were created, the

Chairman—continued.

Patent Office should be permitted to deal only either with the inventor himself or with an agent on the roll. We cannot recommend such a regulation, and we think it would be undesirable to put the right of commuicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof. The matters upon which the Office has to communicate with inventors are sometimes of a character quite untechnical, and it would be a hard measure to prevent an inventor in the provinces from transacting his business with the Office in such cases through the agency of a friend residing in London. And we do not see our way to distinguish in an enactment between cases of this nature and those requiring technical knowledge, even if we thought it desirable to create a monopoly in favour of agents on the roll. We think, however, that it would be of public advantage to provide a means of securing a roll of patent agents consisting of duly qualified persons, the admission to which should be possible and easy for all persons so qualified." May I point out to the Committee that the terms of the report appear to me to anticipate some sort of qualifying examination. "With this object we would suggest that steps should be taken with a view to fixing a standard of qualification for the title of patent agent. And it might perhaps be well to enact that any person should be subject to a penalty who, without being on the roll, assumed the title of patent agent either by advertisement or by description on his place of business or on any document issued by him." In those two paragraphs we have the recommendation of the Committee which the Act of 1888, Section 1, endeavoured to give effect to.

65. Tho se recommendations were put forward, were they not, with a certain amount of hesitation or qualification; because in a subsequent paragraph in the report you see they say: "We think that in any view a further trial of the present law is necessary before a fundamental change could be recommended;" and then, "If the law and its administration should be altered in the manner we have proposed, we would suggest the expediency of appointing another Committee, after sufficient time has elapsed to afford experience of the working of the office under the altered circumstances"?—Yes.

66. I mention that to show that the Committee did not appear to desire that their report should conclude everything at that time, and that it is to be treated to a certain extent as an experimental report?—The last paragraph of the report, I think, refers to the main business for which the Committee was appointed. In the paragraph to which the honourable Chairman has alluded (the last but one) I suggest that this Committee appear to throw out some doubt on the expediency of giving patent agents at that time what they have now come before you to ask for, namely, Parliamentary powers to control their profession.

67. This evidence as to patent agents and the desirability of a roll of patent agents, does not appear to have been contemplated at all when the Departmental Committee was appointed?—No.

68. It arose in consequence of the suggestion made

Chairman—continued.

made by Lord Kelvin?—So far as that Committee was concerned. I have given the Committee sufficient information to indicate that, prior to the evidence of Lord Kelvin, the same suggestion had been made in other directions.

69. That we understand. In 1888 a Bill was introduced, was it not, to amend the Patents Act of 1883, and subsequently passed into law?—Yes; a Bill to carry out the recommendations of Lord Herschell's Committee.

70. That is the Patents, Designs, and Trade Marks Act of 1888?—Yes.

71. Clause 1 of that Act is the clause that bears directly upon the work of this Committee, is it not?—Yes.

72. Have you anything to say to the Committee with regard to that clause and the way in which it has been interpreted at the Board of Trade?—I should like to refer, in the first place, specially to the terms of the section. So much turns upon the terms of the section itself that if the Committee will allow me I will read it; Section 1, Sub-section (1): "After the first day of July 1889 a person shall not be entitled to describe himself as a patent agent whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act; (2) The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are, in the opinion of the Board, required for giving effect to this section, and the provisions of Section 101 of the principal Act shall apply to all rules so made as if they were made in pursuance of that section." I have referred already to Section 101 for this purpose. I desired to indicate to the Committee the large power of making rules which was conferred upon the Board of Trade by Parliament—a power contained in most Acts of Parliament of a similar character—under which the rules, when laid upon the Table of the House for a certain period, if not objected to by the House, receive a force and validity almost tantamount to the Act of Parliament itself. Then Sub-section 3 is: "Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act. (4.) If any person knowingly describes himself as a patent agent in contravention of this Section, he shall be liable on summary conviction to a fine not exceeding twenty pounds. (5.) In this Section, 'patent agent' means exclusively an agent for obtaining patents in the United Kingdom." That is the section in the Act of Parliament under which the rules were made which have given rise to the present difficulties.

73. Have you any information to give to the Committee as to how the Board of Trade construed this section, and what steps they took to give effect to it?—The Board of Trade, after the passing of that Act, felt called upon to make rules to "give effect to the section," using the words of Sub-section 2; and they felt

Chairman—continued.

that, as a public Department, it was impossible for them, having regard to the recommendations of the Committee of 1885, to give due effect to that section by any administration on their own part. It was clear that the Committee of 1885 contemplated that a register of patent agents would be set up; that the Board of Trade should have imposed upon it the obligation of dealing with the claims to registration of those patent agents who had practised prior to the passing of the Act of 1888; but that in the future, and so far as the rising generation were concerned, there should be a qualifying examination; and that also, as regards those upon the register, who might be guilty of disgraceful professional conduct, there should be a power to remove the names of such persons from the register. The Board of Trade took the view that it was absolutely necessary to have a qualifying examination, on the one hand, and a power of removal on the other; and so the Board of Trade made rules to give effect to that view, and they delegated under the rules the power of keeping the register and performing the general duties under the rules to the Institute of Patent Agents.

74. Had that institute obtained a Royal Charter?—Not at that time.

75. Not in 1883?—No.

76. Did the Board of Trade carefully consider this section and the powers which it conferred upon them?—They did.

77. And they came to the conclusion that this section, taken in conjunction with Section 101 of the principal Act, the Act of 1883, gave them power not only to establish a roll of patent agents, or a register of patent agents, but also to lay down the conditions upon which persons should gain admission to the register, to insist upon examination, and to delegate powers of examination to another body; the Institute of Patent Agents; and to authorise that body to charge fees?—Yes. I understand when you speak of the admission of persons to the register, you mean the admission of persons other than those whose case is specially provided for by Sub-section 3.

78. Certainly; because those persons were by the operation of the section itself placed on the register?—Quite so; subject to evidence of *bonâ fide* practice.

Mr. *Mather.*

79. I presume the Board, under Sub-section 3, would be the sole authority for determing whether a person applying for registration was a *bonâ fide* practising agent or not?—That is the distinction I drew in my answer to the honourable Chairman. So far as Sub-section 3 is concerned, the Board of Trade took upon themselves the responsibility of ascertaining whether an agent was entitled to be registered or not.

80. And they, in fact, erected the standard by which he would be measured, did they not?—They erected no standard. They considered in each case the evidence which was presented to them on behalf of the applicant.

81. The mere fact of practising, I presume,

Mr. *Mather*—continued.

wonld uot be enough?—You will observe the section says that any person who prior to the passing of this Act had been *bonâ fide* practising as a patent agent shall be entitled to be registered, on condition that he proves to the satisfaction of the Board of Trade that he has so acted. Now, the Board of Trade considered each case upon its merits, and required each agent to prove to the satisfaction of the Board that he had been *bonâ fide* practising.

82. Did that include knowledge and experience?—I am not prepared to say that it did.

Mr. *Bousfield.*

83. As a matter of fact, I think in every case in which a man could show that he had taken into the Office a complete specification the Board of Trade held that that is sufficient evidence to put him on the register; was not that so?—Yes, I believe they allowed registration in every case where a complete specification had been filed. The Board of Trade did their best in each case, however, to obtain, by declaration and otherwise, even by personal communication with patent agents, evidence of *bonâ fide* practice.

Chairman.

84. Have you got the rules which the Board of Trade made with regard to carrying out this section?—I have.

85. Did the Board of Trade make up the register in the first instance from the patent agents then in practice, and then pass the register on to the Institute, or did it authorise the Institute to make up the register in the first instance?—The Institute appointed a registrar under the rules, and the Board of Trade certified to the registrar the right to registration of each agent.

86. That is to say, the Institute was called upon by the Board of Trade to appoint, or did appoint, a registrar, and then the Board of Trade sent to the registrar the names of those persons who had been practising as patent agents who claimed to be put on the register under this Sub-section 3?—The names of those persons who had proved to their satisfaction that prior to the passing of the Act they had been *bonâ fide* practising as patent agents.

87. Can you hand in the rules that were made?—Yes (*handing in the same*).

Mr. Mather.

88. As a matter of fact, was a list of all the persons who had drawn up one single complete specification and claimed to be patent agents in the sense in which the Board of Trade understand the title sent in to the Institute, and did the Institute enrol them as patent agents under the Board of Trade powers?—I take it that after inquiry in each case, they did.

Chairman.

89. As a matter of fact, did the Board of Trade obtain from the Patent Office a return of all the agents who had prepared one complete specification, and send a complete return to the

Chairman—continued.

registrar to enrol their names on the register?—No; the Board of Trade considered that Parliament had put upon them the obligation to ascertain whether the particular individual had been *bonâ fide* practising prior to the passing of the Act or not, and they put each patent agent on proof that he had been *bonâ fide* practising prior to the Act. If he showed the Board of Trade that he had "filed a complete specification," then he was registered, as a matter of course.

90. That is to say, the Board of Trade waited until the patent agents claimed to be put on, and then investigated their claim to be put on the register?—Yes, that was the course of proceeding.

Mr. *Mather.*

91. The only test, as I gather, was the filing of a complete specification?—No, that was not the only test. As far as possible the Board of Trade endeavoured to assist individual agents in formulating their claim to registration to the satisfaction of the Board. I recollect cases myself in which agents made declarations and scheduled to the declarations voluminous bills of costs and letters of recommendation from clients, and so on, to indicate that they had not only been practising prior to the passing of the Act of 1888, but had been practising with satisfactory results to themselves and to their clients.

92. But I understand that the minimum qualification was that a complete specification must have been proved to have been the work of the applicant: that was the minimum qualification that the Board required, was it not?—No, it need not have been proved to be the work of the applicant. If the applicant had signed a complete specification, that was a strong element in favour of his registration.

Sir *John Leng.*

93. It was accepted as evidence?—Yes.

Mr. *Bousfield.*

94. Of course I am not saying anything against the Board of Trade, who had to be as liberal as possible, but I presume the probability is that a great many patent agents were put upon the roll who might in the whole course of their experience never have done more than one or two complete specifications?—I am not prepared to say that it is not so.

Chairman.

95. Can you give us any information as to the number of persons who claimed to be put on this roll under Sub-section 3 of the first section of the Act of 1888?—I am prepared to give a figure, but my impression is that the very large number of those who did claim were put upon the register. I can give you the number upon the register at the present time.

96. I am asking whether you know how many persons claimed to be put on, and succeeded in getting on this register under Sub-section 3 of Section 1?—I am afraid I have not the figure before me.

97. I suppose most of the prominent patent agents,

Chairman—continued.

agents, most of the men doing any business, did send in claims, and were put on?—Certainly.

Mr. *Mather.*

98. Were any rejected?—There were rejections.

Chairman.

99. Now we will come to the portion of the clause which deals with the people who were to be put on the register in future, that is to say, the persons who were not under Sub-section 3 of this clause. The Board of Trade, I understand, issued rules and regulations, and those rules and regulations delegated the duty of keeping the register at the Institute of Patent Agents?—Yes.

100. They authorised the Institute of Patent Agents to establish and carry on certain examinations?—Yes.

101. And to charge certain fees?—Certainly.

102. Had the Board of Trade any advice as to whether it was within their powers to make rules delegating the duty to the Institute of Patent Agents, and empowering the Institute of Patent Agents to hold examinations and to charge fees?—The Board of Trade consulted Counsel as to the form of the draft rules. At a subsequent period it became necessary for the Board of Trade to take the opinion of the law officers of the Crown.

103. I am dealing at the moment only with what the Board of Trade did up to the time when the rules were issued; we will come to the subsequent period later on. They did take advice, I understand?—Yes.

Mr. *Bousfield.*

104. Did the law officers see the rules before they were issued?—The Attorney General of that day saw them.

Chairman.

105. I do not know whether it is within your duty to give us information as to what that advice was?—I may say the Board of Trade consulted various authorities, the Incorporated Law Society, for instance, upon the draft rules, and received from them suggestions for amendments, and so on, and that then they placed the draft rules, with the amendments, before Counsel (not the law officers of the Crown) for re-settlement. The rules were re-settled, and were subsequently put before the Attorney General.

Mr. *Warmington.*

106. What the Chairman asked you was whether the question of these rules being within the power conferred by the Act of Parliament upon the Board of Trade was ever made the subject of Counsel's opinion?—I was going on to answer that question.

Chairman.

107. I was careful to say that I do not want to press the question; because I do not know how far you may feel at liberty to give the information?—I was anxious to indicate to the Committee that the Board of Trade had what I may call double-barrelled advice upon the subject. In the first place they had the advice of the experienced draughtsman who had prepared the rules. Then after the criticisms of the public bodies had been brought to bear upon them, they were sent again to the draughtsman; they were re-approved by him, and in their reapproved form they went before the Attorney General, and the Attorney General expressed a general approval of the rules. I can only ask the Committee to allow me not to put it higher than to say that that approval was general in its terms. He approved the rules as to the qualifying examinations, and the rules as to the erasure of the names of persons who ceased to practise, and the rules as to disgraceful professional conduct.

108. Do you wish to call the attention of the Committee to any of those rules?—I understand the Committee have the rules before them. The position of the Board of Trade is that rules generally are essential to give what, in the terms of the section, is described as "effect to the section."

109. After the rules were completed, Mr. Howgrave Graham was appointed Registrar, was he not?—He was.

110. With regard to this clause in the Act of 1888, was there any suggestion at this time made to the Board of Trade by anyone that the Board of Trade had no power to make any such rules as you have called attention to?—I believe one of the public bodies consulted (namely, the Inventors' Institute) raised some point upon it, but it was not pressed.

111. Did it occur to the Board of Trade that a register of patent agents might be required, not only for the purpose of recording the names of persons who passed examinations, but also for the purpose of giving information as to persons who were carrying on this particular business?—I think that the Board of Trade took the view that it was necessary in the interests of the public that there should be a means of recording the names of those who were entitled to be recognised by the public as patent agents, and that also, in the interests of the profession itself, it would be well to have a roll of patent agents with proper qualifications.

112. What I mean is, did the Board of Trade consider that it was possible that this register might be a register of persons carryig on business as patent agents and not a register of persons qualified by examination to carry on such business?—No; the Board of Trade assumed that, apart from those who were put upon the register under Sub-section 3, the future of the register would be based upon admission under a qualifying examination.

113. There is nothing in the section about qualifying examination, is there?—Nothing. I do not want to repeat what I have already said, that the section was founded upon the Report of the Committee, which does refer to a qualifying examination.

114. In the year 1890, I think in March, the Board

Chairman—continued.

Board received a letter from the Privy Council enclosing a memorial from the Institute of Patent Agents, praying for the grant of a Royal Charter, did they not?—They did.

115. In August 1891 a Royal Charter was granted. Have you anything to say to us as to the terms of the petition for a Royal Charter, or the Charter itself?—I should like to refer to the terms of the petition, because in the usual way the terms of the petition are recited in the charter, and a reference to the petition will cover both. The petitioners say, *inter alia*, "That under the Memorandum of Association of the Institute, the income and property of the association must be applied solely towards the promotion of the objects of the association as set forth in the Memorandum of Association of the Institute, and that no portion thereof can be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise, howsoever, by way of profit to the persons who, at any time, are or have been members of the Institute, or to any of them, or to any person claiming through any of them, subject to the proviso that nothing therein contained should prevent the payment in good faith of remuneration to any officers." I need not trouble the Committee with the rest of that paragraph. I am reading from clauses in the petition for the charter, which were afterwards recited in the charter.

116, This is the petition of the Institute of Patent Agents themselves?—Yes, the petition for their charter. The 5th clause says:—"That the profession of patent agent is one requiring an extensive and varied education, knowledge of the law relating to the granting of your Majesty's Letters Patent for Invention, of the practice under that law, and of mechanical engineering, chemistry, and manufacturing processes of divers kinds, and generally of the physical sciences and their applications to the arts and manufactures. Sixth, that it is a matter of growing importance to the public, and especially to the large and increasing number of persons to whom your Majesty's Letters Patent for Inventions are granted, that the validity of such grants should, by the exercise of professional skill and experience on the part of the duly qualified patent agents, be as far as possible secured to persons seeking the advice and counsel of such agents in the preparation and presentation of the specifications and claims upon which such validity in great measure depends, and that persons should also be competently advised as to the novelty and patentability of the inventions which they are desirous of protecting by your Majesty's Letters Patent, and as to the correct interpretation of such grants, and should further be able to obtain from duly qualified patent agents reliable information as to the Patent Laws of our Colonies and Dependencies, and of foreign countries."

117. Will you put in the charter of the Institute of Patent Agents which recites that?—I will put in the charter.

118. When the Institute obtained its charter, your Board I believe were advised that it was necessary to make new rules transferring the

Chairman—continued.

duties under Section 1 of the Act of 1888 to the new body?—Yes, they were merely formal rules transferring the powers of the Institute of Patent Agents to the Chartered Institute.

119. Accordingly on the 18th November 1891, your Board made new rules, which in due course, on the 19th February 1892, were presented to Parliament?—That is so.

120. Have you got the form of register kept under those rules?—Yes.

121. Will you kindly put it in?—Yes; this is the form of 1892, but as far as the Board of Trade are aware it is applicable at the present time (*handing in the same*).

122. Can you give us any information as to what followed upon the establishment of that register, and how the carrying of it on proceeded until the time where questions were raised which I am coming to presently?—So far as, I am aware all went well, until the outbreak of hostilities between Mr. Lockwood, a patent agent in Glasgow, and the Institute.

123. Mr. Lockwood took proceedings in the Scotch Courts, did he not, to test the validity of the rules which the Board of Trade had made under the Act of 1888?—I think, strictly speaking, the proeeedings were taken by the Institute and three registered patent agents in Glasgow, against Mr. Lockwood, for what is called there a declarator to prevent his holding himself out as, or describing himself to be, a patent agent, when he was not upon the roll.

124. That is to say, Mr. Lockwood set the rules at defiance, and upon that the Institute took proceedings against Mr. Lockwood?—Yes, so I understand it.

Mr. *Bousfield.*

125. Perhaps, you can give us some information with regard to the rule, under which certain fees were paid to the Institute, and how the question with Mr. Lockwood arose with regard to those fees. Under what powers are the fees paid, first of all?—Rule 26 of "the Register of Patent Agents' Rules, 1889":—"The fees set forth in Appendix C. to these rules shall be paid in respect of the several matters and at the times and in the manner therein mentioned. The Board of Trade may from time to time, by orders signed by the Secretary of the Board of Trade, alter any of or add to the fees payable under these rules."

Chairman.

126. Then the Board of Trade delegated its powers to the Institute of Patent Agents?—Yes.

127. Do you know upon what authority the Institute of Patent Agents levied those fees?—Under the rules made by the Board of Trade to give effect to Section 1 of the Act of 1888.

128. Where is the rule which authorises the levying of these fees?—It is under Rule 26, and Schedule C.

129. Those rules affect to be made, do they not, in pursuance not only of the Act of 1888, but also of Section 101 of the Act of 1883?—Quite so.

130. Can

Mr. *Bousfield.*

130. Can you tell me to whom the fees were to be paid under Rule 26?—They were paid to the Registrar.

131. On whose behalf did he receive them?—On behalf of the Institute. Then I think the honourable and learned Member's next point was as to Mr. Lockwood's attitude with regard to the fees. As I understand it, Mr. Lockwood was at first a registered patent agent; his name was on the register; but I assume he was advised that the fees were illegal and he consequently declined to pay the annual fee. When he declined to pay the annual fee his name was removed from the register under Rule 13, and upon that followed the proceedings by the Institute and their nominees in Scotland against Mr. Lockwood for a declarator.

Chairman.

132. That litigation proceeded to trial, did it not?—Yes.

133. It was tried before Lord Low in the Lower Division of the Court of Session, I think?—It was.

134. The Board of Trade have the judgment, I believe?—A copy of the judgment came into the possession of the Board of Trade, and I shall be glad to put it in if it will be of any assistance to the Committee.

135. Will you please do so?—This is a copy of the judgment (*handing in a copy of the same*).

136. That judgment was appealed against, was it not?—It was.

137. It went to the Inner House of the Court of Session, which is the Court of Appeal?—That was so.

138. The Court of Appeal decided, did they not, that the rules made by the Board of Trade were not authorised by the Act of Parliament?—Yes. Perhaps, first, I may be allowed to read what Lord Low said at the end of his judgment.

139. Lord Low's judgment was overruled, was it not?—Yes.

140. Have you got the judgment of the Court of Appeal?—Yes; I will put both in for the information of the Committee (*handing in the same*).

Sir *John Leng.*

141. Did Mr. Lockwood seek to be restored to the register?—Mr. Lockwood was assailed; he did not ask for anything; he stood upon the defensive. Lord Low, in conclusion, said: "Upon the whole matter I am of opinion—(1) that the pursuers have a title to prevent a person not upon the register holding himself out as a patent agent; (2) that the defender's name, not being upon the register of patent agents, it is illegal for him to describe himself as a patent agent; and (3) that the defender has not stated any relevant defence to the action. I shall, therefore, give decree in terms of the conclusions of the summons with expenses."

Chairman.

142. Will you now give us the operative part of the judgment of the Court of Appeal?—Yes, if I may give it from the judgment of Lord Justice Clerk.

Chairman—continued.

143. Will you please do so?—He said, "Now if he" (that is Mr. Lockwood) "is entitled to be upon the register in respect of his having been practising as a patent agent for three years before the passing of the Act, where is the right to impose a tax upon him, and to say, If you don't pay that tax you shall be struck off the register? It seems to me that in this case the true answer to the question put to us by the pursuers here is that the power did not exist to make rules by which this exaction should take place, and that the defender in the action is entitled to be placed upon the register in terms of Sub-section 3 and of Rule 5, and that the pursuers of the action are not entitled to succeed in respect that he is not now upon the register, because he has been improperly struck off from the register for refusing to pay an imposition which they had no right to demand. And, therefore, I think the interlocutor of the Lord Ordinary should be altered, and that we should assoil the defender."

144. Those proceedings caused a considerable amount of interest among patent agents, did they not?—Certainly.

145. And they led to the formation of a society called the Society of Patent Agents?—Yes.

Mr. *Bousfield.*

146. That case is under appeal to the House of Lords, is it not?—The case is under appeal to the House of Lords.

147. Have you any idea how it stands on the list, or when it is likely to be reached?—I am afraid I cannot tell you. The appeal was put down on the 20th of February.

148. Do you know whether the cases are lodged?—Yes; they were lodged on or about that date, I believe.

Chairman.

149. Do you know whether the appeal is being prosecuted or not; do they intend to go on with the appeal?—Certainly; I understand so.

Mr. *Mather.*

150. With regard to the judgment you have just read, is it based upon the fact that in the Act of 1888 there was no power taken for the Board of Trade to charge any registration fees at all?—That is so, no doubt.

151. I find there is no mention made in this Act of any fees; the fees come in with your rules, I suppose?—Yes; I would put my answer in this way: Having regard to the power of the Board of Trade to make rules to give effect to this Sub-section 2, and having regard to the 101st Section of the Act of 1883, the Board of Trade took the view that it was impossible to make a register, or impose the duty of keeping a register upon anybody, without at the same time imposing a fee to provide for the cost of keeping it up and paying the expenses of examination, and perhaps of removing persons from the register who have been guilty of disgraceful professional conduct. The payment of fees is necessary: they represent the powder and shot.

Chairman.

152. But Section 101 of the Act of 1883 appears

Chairman—continued.

appears to relate to the making of rules regulating the internal management of the Patent Office and the transaction of business in the office, and not in any way to the status or the position of agents or other persons doing business with the office; is not that so?—Yes; but I think you will find that the Act of 1888 is to be read with the Act of 1883.

153. You interpretated the association of the two Acts as amalgamating the powers of Section 101 of the Act of 1883 with the powers of the Act of 1888?—The Board of Trade did so.

154. Did the Board of Trade receive a communication from the Privy Council Office in December 1892 enclosing copies of bye-laws proposed to be made by the Chartered Institute of Patent Agents under Article 35 of the charter?—They did. The Institute had become in the meantime a Chartered Institute, and the Chartered Institute applied to the Privy Council Office under the terms of their charter for sanction to the proposed bye-laws.

155. Having regard to this decision of the Appellate Court in Scotland, the Board of Trade as I understand have not thought it proper to deal with these proposed bye-laws of the Chartered Institute of Patent Agents?—The sanction to the bye-laws really rests with the Privy Council; but the Board of Trade, having regard to all the circumstances, have not advised Her Majesty in Council through the Privy Council Office to give any sanction to the proposed bye-laws.

156. The Society of Patent Agents to which I have referred is only a voluntary society at the present time, is it not?—I believe so. At one time they intended to apply to the Board of Trade for a licence under Section 23 of the Companies Act of 1867, but it has not been done.

157. Do you know how many members there are of the Chartered Institute of Patent Agents?—There are 70 members of the Institute, I believe, out of 264 persons on the register.

158. How many of the patent agents belong to the society?—That I cannot tell you. I am afraid you must get that information from a representative of the society.

159. Will you tell us, so far as you know, what the difficulties are that this judgment of the Appellate Court in Scotland has created or intensified?—The Society of Patent Agents, since the date of the circular under which the body was convened (it was about September 1892) has been in almost perpetual communication, through Mr. Fairfax and Mr. Barker, and others, with the Board of Trade, and the Board of Trade found themselves in this position: They had, after the decision of the Scotch Court, and pending the lodging of the appeal to the House of Lords in England, to deal with two bodies; they had to deal with the Chartered Institute on the one hand and the Society of Patent Agents on the other. They felt that, as litigation was pending in the House of Lords, they were bound to hold their hands as to the bye-laws and to preserve a neutral position as between the two bodies. But they have always done their best, as far as possible, to reconcile

Chairman—continued.

the differences between the two. Those differences appear to resolve themselves principally into this, that the Society of Patent Agents complain that the Institute does not admit to its body the registered patent agents as a whole; they complain that you have to deal with a close corporation controlling the profession of registered patent agents, and the registered patent agents have no means, as to a large portion of them, of making their power felt upon the Institute. That is the main grievance. The Society of Patent Agents say, "Either you must give us registered patent agents, who are not members of the Institute, access to the Institute, so that we may share its privileges and have power to vote for and in respect of its control and governing body; or you must set up a separate governing body apart from the Institute, to keep the register, and to watch over and control the affairs of the profession."

160. Have representations come to you from any other people besides the Chartered Institute of Patent Agents and the Society of Patent Agents?—Yes, we have had representations from individual registered patent agents, of course, including Mr. Lockwood, who is not now on the register, and we have had communications from Mr. Haddon, who is a registered patent agent, and who has informed the Board of Trade that he has under his banner other patent agents who take his individual view of the situation, which I understand to be something between those of the Society and the Institute. Mr. Haddon prepared a Bill which he proposed to ask an honourable Member to introduce into this House, but it has not been introduced, and you have therefore only the Bills of the Society and the Institute before you.

161. The result of it is then that there is a conflict between, first, the Chartered Institute of Patent Agents; secondly, the Society of Patent Agents; thirdly, Mr. Haddon and his friends, registered patent agents, and other individual patent agents?—Yes.

Mr. *Mather.*

161.* Those individual patent agents not being registered?—They may be on the register or not.

Chairman.

162. And in the meantime is the register completely in suspense?—The register is being maintained.

163. Is it in suspense for the time?—It is not.

164. Who now admits to the register?—The Institute are carrying on their functions under the rules as best they may under the circumstances.

165. Do they take fees still?—With regard to the fees, the Board of Trade endeavoured to find a *modus vivendi* between the parties in order to carry over last November, when the annual fees became due, and I suggested to the parties that a suspense account should be opened in the names of the Registrar of the Chartered

Chairman—continued.

Chartered Institute of Patent Agents and the Comptroller General of Patents, Designs, and Trade Marks, to which the current fees should be paid pending the settlement of the litigation in the House of Lords. After some demur on the part of the Chartered Institute, who, perhaps, felt a natuaal objection that functions which had been given to them as to receipt and disbursement of money should be taken from them, they fell in with that view, and at the present time the current fees, if any are received, are paid to a suspense account in the name of the Registrar and the Comptroller.

166. In fact, the Chartered Institute of Patent Agents are keeping the register, holding their examinations, admitting candidates for membership for the position of patent agent, and charging fees when they can get them, and carrying those fees to a suspense account?—That is so.

167. In that way the provision of this Act of 1888, providing that no person shall be a patent agent, unless he is on the register, is being carried out?—Yes.

Mr. *Mather.*

168. Except that some of these patent agents, as I understand, have withdrawn their fees, though they are on the register?—That was another point, with regard to which the Board of Trade used their good offices on behalf of the society with the Institute. The Board of Trade suggested to the Institute that, pending the settlement of the litigation in the House of Lords, the names of persons in default in the payment of fees should not be removed from the register.

169. So that they are recognised by you and by the Patent Office as regular patent agents?—They hold themselves out to be patent agents, although they have not paid their fees, pending the settlement of the litigation.

170. And you accept their title to that position?—We were in a difficulty; we had to find a *modus vivendi.*

Chairman.

171. Does the Institute make an annual report to the Board of Trade?—Yes; I have a copy here of the Report of 1893.

172. Will you hand in the last report of the Institute to the Board of Trade, or probably the better way would be to hand in all the reports of the Institute to the Board of Trade from the time when you delegated the managing of the register to the Institute, down to the present time?—That shall be done. I have no doubt the Institute will be able to furnish printed copies of those reports.

173. So far as the Institute can supply the clerk of the Committee with prints of any documents which it is proposed to put in evidence, of course we shall be obliged if they will do so?—I will see to that.

174. I believe in this state of circumstances two Bills have been introduced into the House of Commons; one Bill by an honourable and learned member now present at this Committee and other honourable members at the instance

Chairman—continued.

of the Institute of Chartered Patent Agents, and the other Bill by another honourable member, also a member of this Committee, on behalf of the Society of Patent Agents?—Yes.

175. Will you take the Bill brought in at the instance of the Institute of Patent Agents, the Patent Agents Registration Bill?—I have it before me.

176. Will you give us any observation you wish to make upon the clauses of that Bill?—The Board of Trade have some difficulty, subject to any direction from the Committee, in stating their views upon the merits of these two Bills in detail at the present time.

177. I do not wish you to understand that the Committee desire the Board of Trade to do anything or state anything, because, of course, before I convey such an intimation I must take the instructions of the Committee; but I only ask whether the Board of Trade wishes to give us any information with regard to any of the clauses of the Bill which I am taking first in order?—The Board of Trade are most anxious to give every assistance in their power, but they think that possibly a witness from the Department may be able to give more assistance to the Committee after evidence has been taken from the Institute and the Society than at the present time. All that I would desire to say upon the Bills as presented is this: Taking first the Bill you have mentioned (and the observation applies to some extent to the other Bill also) the Board of Trade doubt whether it would be expedient for the Committee to do more in the way of expressing concurrence or otherwise in the schemes presented to them than they would be obliged to express in order to give due effect to the provisions of Section 1 of the Act of 1888.

178. That observation, you say, applies to the other Bill also? Yes. The Board of Trade think that the Bills are overlaid at present with unnecessary clauses and with penalties which it is sought to impose upon persons using titles and distinctions, and holding themselves out to do business and to occupy positions in the patent agency world other than those who describe themselves as patent agents exclusively for taking out patents in the United Kingdom. Under the Act of 1888, following the report of the Committee of 1885, it was deliberately laid down that it was inexpedient to interfere with the position of the inventor in doing business with the Patent Office, and that it was inexpedient to interfere with the position of ordinary agents other than the agents who hold themselves out to be patent agents.

179. That is to say, professional agents, in fact?—Professional agents; nothing at all was said about people who carried on trade marks business or anything of the kind. The Board of Trade think that the position of the Committee will be embarrassed if they consider the propriety of amplifying the definition of patent agent under the terms of the Act of 1888.

Mr. *Bousfield.*

180. You mean making two or three classes of patent agents, do you not?—I do.

 181. I may

Chairman.

181. I may take it from you that the Board of Trade feel considerable difficulty in giving effect to the provisions of the Act of 1888, having regard to this decision of the Appellate Court in Scotland and to the contentions between the various parties?—Certainly.

182. And it is the desire of the Board of Trade that there should be some legislation to deal with this question to clear up the difficulties of the position?—It is. The Board of Trade would be glad to see legislation in the interests of the profession giving them the management of their own affairs, and legislation of the character which would give what the Board of Trade believed in 1888 to be the aims and objects of Section 1 of that Act.

183. I would again call your attention to Section 1 of the Act of 1888, which simply establishes a register of patent agents, and describes the people who are to be put on; does the Board of Trade think it necessary to travel much beyond giving proper effect to that section?—The Board of Trade think that the register of patent agents should be kept by a body controlled by the profession of registered patent agents, and the Board of Trade express the opinion, subject to anything that may be said in evidence hereafter, that the Chartered Institute of Patent Agents having the position already accorded to them of keeping the register should retain it. The only difficulty being as to how those members of the profession who are not members of the Institute are to be given sooner or later a direct share in the management of its affairs.

184. The reason you select the Chartered Institute of Patent Agents is that it is the older body, the more numerously organised body, and the body which has put itself in more form, if I may use the term, by getting in the first instance incorporation under the Companies Acts, and having got a charter, it is, of course, the body you have recognised by handing over to it the duty of keeping the register?—Precisely.

185. Therefore, you suggest, if a body is to be appointed to keep the register on behalf of the patent agents in a body, the Chartered Institute of Patent Agents is the association or body having the greatest claim to recognition for that position?—That is my opinion.

186. You would suggest, I take it, that if the Committee should approve of that idea they would give a certain amplitude to the work of the Chartered Institute, and require certain alterations so as to enable it to keep the register and discharge the duty?—Yes, so as to make it truly representative of the profession.

187. I presume you do not know of your own knowledge the work that has to be done by patent agents, because you are at the Board of Trade and not in the Patent Office?—I am not in the Patent Office.

188. I presume you would prefer that that evidence should be given by officials from the Patent Office or patent agents?—You will get evidence of that description, I think, from Mr. Lloyd Wise, the President of the Institute.

189. And from the Comptroller, if we wished to see him?—And by all means from the Comptroller, if you wish to see him,

Mr. *Bousfield.*

190. Has your experience since the Act of 1888, under the rules you have made, confirmed the view you took as to the general policy of the Act of 1888 in framing a register?—Yes.

191. Nothing since then has tended to show that the registration of patent agents and the limitation of practising to such patent agents was undesirable?—Nothing. I should be sorry to see a return to the state of things prior to the Act of 1888.

192. You think that upon the whole that legislation has been of benefit to the public?—I do.

193. You referred to the fact that there were about 264 agents on the register?—That is the precise number.

194. That number I suppose includes everybody who, as you pointed out, could make out even a small claim to have practised as patent agents?—Yes.

195. Of course there was no kind of sorting as to character among the 264 admitted to the register?—None. I would answer that question in this way. It appeared to be expedient that persons against whom suggestions might be made should be brought in and put upon the register where control would be exercised over them by the Institute rather than that they should be left outside to carry on their practices without any control.

196. That is to say, you felt at first that the true policy was to make the register as inclusive as possible without making any inquiry as to unprofessional conduct in the past?—That was the policy of the Board of Trade.

197. So that practically if there are any black sheep in the profession they would be included in those who are upon the register?—Yes, among those who describe themselves as patent agents, and of course they would be subject to the rule as to being struck off the register for disgraceful professional conduct.

198. Has that rule ever been put into practice?—There have been two cases in which the Board of Trade have appointed committees to inquire into charges of disgraceful professional conduct made against individual patent agents.

199. And have reports been made?—Yes; in the first case the report was in favour of the accused; it amounted to an acquittal. In the second case it resulted in what I may call conviction.

200. Was the man in that case struck off the roll?—It is a recent case, and I believe that the patent agent will be struck off the register, even if it has not already been done.

201. That would be of course under Rule 16?—Yes.

Chairman.

202. You claim the power of striking off the roll under Rules 16 and 18?—Yes; I should like to say that Rule 16, which is a very important rule, has received the sanction of the Law Officers of the Crown. The Board of Trade thought it well to take the opinion of the Law Officers of the Crown as to whether Rule 16, which provides for erasure of the names, and Rule 18, which provides for "inquiry by the Board of Trade before erasing the name from the

Chairman—continued.

the register," were *intra vires*, and the Law Officers of the Crown expressed the opinion that they were.

Mr. *Warmington.*

203. When was that?—In January 1891.

Chairman.

204. The opinion was that they were within the powers of the Board of Trade?—Yes.

Mr. *Bousfield.*

205. They would seem to be within the policy of that sanction?—Yes.

206. I see that one of the Bills before the Committee provides that these functions as regards striking off the rolls should be discharged by the Board of Trade as hitherto, and that the other of those Bills proposed that such functions should be discharged by the Court, or at all events with an appeal to the Court. What is the view of the Board of Trade as to the desirability of such functions being discharged by the Board of Trade, or by the Court as in the case of solicitors?—The Board of Trade take the view that such functions can much better be discharged by the Court, possibly on the report of a disciplinary Committee, after the manner of the Solicitors' Acts at the present time. The Board of Trade have great difficulty in performing duties of such a kind; they have no machinery at their disposal.

207. Your view is that the provisions as regards the Incorporated Law Society, and its action with regard to solicitors, furnish a good precedent, which might be followed in this matter with regard to patent agents?—That is my view.

208. Now, going back to the position of the patent agents as they stand at present, you say there are 264 patent agents on the register?—Yes.

209. Of whom 70 belong to the Institute?—Yes.

210. I believe substantially nearly all the rest have joined this Society of Patent Agents which has been recently formed?—That I do not know; I enquired, but I have had no answer.

211. With regard to these other agents who belonged to the society, I think you said that they complain that the Institute is a close corporation, is that so?—That is so.

212. Their view is that the governing body of such an Institute, which has the control practically over admission to the profession, should be representative of the profession as a whole?—Yes.

213. I do not know whether your Board takes any view in that matter;—Speaking generally, and subject to any evidence they may have an opportunity of reading by-and-bye, the Board take the view that the Institute should be representative of the whole profession. The difficulty which the Committee, if I may say so, will find in meeting that demand on the part of the outside patent agents has already been indicated by the honourable and learned Member when he referred to persons who had been put on the register

Mr. *Bousfield*—continued.

without any consideration being given as to whether their moral and professional conduct should allow them to be there at all. The Institute take the view that they have a social or club side to their being, and they object (I am, perhaps, putting words into the mouth of the president of the Institute) to be made representative of the profession at the price of having registered patent agents put upon their books, without any investigation as to character, and without the ordinary form of election which a man would go through before he was put upon a club. That is the reason why you will find in the Patent Agents Registration Bill a clause which provides for the appointment of a committee, whose duty it would be, in the first place, to enquire as to the eligibility of the members upon the register to be put upon the Institute.

214. The Institute, as it stands, represents, I believe, the larger number of what I may call the most eminent of the patent agents, does it not?—Yes, and I believe that its members take out the larger percentage of the patents which are annually applied for.

215. And I think there is a feeling that if a large number of 200 who are outside were admitted they would practically swamp the 70 who have run the thing from the beginning, and have had the trouble of doing it from the beginning?—Yes, they were suddenly foisted on to their books, without any enquiry or consideration——

216. Can you make any suggestion, quite apart from these Bills, as to how that difficulty can be met?—If I might answer the question in that way, I should like to refer the Committee to the precedents of the Dentists Act, and the Medical Practitioners Act.

217. You think those may give us some help?—Yes. The Medical Practitioners Act 1858, the Dentists Act 1878, and the Veterinary Surgeons Act 1881.

Chairman.

218. Is there any similar calling, or occupation or business, or profession, that has an Act of Parliament regarding its discipline, and controlling it?—The solicitors, of course. I do not think of any other at the moment.

Mr. *Bousfield.*

219. Does the Incorporated Law Society include the whole of the solicitors who are in the profession?—No, I believe it does not. First of all you are admitted a solicitor; but you have to go through a distinct form of proposal for election to the Law Institution.

Chairman.

220. The Incorporated Law Society is a body incorporated and having the sanction of Acts of Parliament which practically does keep the register of solicitors; but membership of the Law Society is not essential in order that a person should be on the Roll of Solicitors?—No, there are many solicitors who are not members of the Incorporated Law Society.

221. We

Mr. *Bousfield.*

221. We are of course, not all familiar with the details of the profession of a solicitor, and perhaps, you could give the Committee, as you think that is a precedent to be followed, just shortly what are the provisions in that case?—I do not think I put the Solicitors Act as a precedent at all.

222. I thought you intimated that it was a good precedent to follow?—I referred to it as one of the bills which the Committee might look at with some advantage to themselves, rather upon the point of the disciplinary committee and the report to the Court.

Chairman.

223. Formerly a solicitor, being an officer of the courts, was held to be amenable for his conduct to the courts direct. But recently an Act of Parliament has been passed which establishes a committee of the Incorporated Law Society as an intermediate inquiry and disciplinary body?—Yes, I am aware of that.

Mr. *Bousfield.*

224. You referred just now to the Report of the last Patent Office Inquiry—the Report is dated 1887: "We think that it would be a public advantage to provide a means of securing a Roll of Patent Agents a system of duly qualified persons, the admission to which should be possible and easy for all persons so qualified." That is practically what was carried out by the Act of 1888?—Yes.

225. Now with regard to the admission of members who are outside the Institute to the Institute, has the course of practice which the Institute has followed in reference to that matter come under your notice at all?—No.

226. I should like to ask you with regard to the Royal Charter which the Institute obtained, I think you said, in the year 1891. Has it come to your knowledge that a complaint was made that the petition for that Royal Charter was only advertised in the "Gazette"?—I do not recollect that any representation of the sort was made.

227. You have not heard from the Society of Patent Agents?—I do not recollect any complaint.

228. It has not come to your notice?—The arrangements with regard to the charter are made by the Privy Council.

229. It was not advertised in the official journal of the Patent Office?—No, I do not assume it would be.

230. Now as regards the annual fees. You rather took it, I think, that it was incidental to the carrying out of Section 1 of the Act of 1888 that you should have power to impose fees?—Yes.

231. To use your own words, in order to provide "powder and shot"?—Yes.

232. Does it seem necessary that those fees should be payable every year in the shape of an annual tax on renewing the yearly registration of a patent agent?—I think that there is precedent for the payment of an annual fee; but I certainly think that the payment of the annual fee should not be made in order to ensure professional qualification. That I dissent from altogether.

Mr. *Bousfield*—continued.

Under Rule 13 if any registered person shall not within one month from the day on which his annual registration fee becomes payable pay such fee, the registrar may send to such person a notice, and so on, to pay his annual fee, and if he does not within one month from the day named in such notice pay the fee so due from him, the registrar may erase his name from the register. I do not see any objection to the payment of an annual fee as a condition of practising as a patent agent within the meaning of the Act of 1888: but I agree that the non-payment of the fee should not destroy the professional qualification of the agent.

Chairman.

233. The Incorporated Law Society is the only body that charges an annual fee, I think, and that is a very small one, is it not?—Yes. I think the Incorporated Law Society charge a a guinea or two for membership, but I confess I do not know the distinction between the stamp duty and the fee paid by a solicitor. Anyhow, the payment of the annual fee is a condition upon which the professional man is allowed to practise, nothing more. If a solicitor does not pay his annual fee his name is not taken off the roll.

Mr. *Mather.*

234. Arising out of your evidence on the point of these fees, I understood you to say that up to the time when Mr. Lockwood declined to pay his annual fee there had been no friction between the patent agents and yourselves, the Board of Trade, but everything had gone on fairly well from the time you had made the rules and the arrangement with the Institute?—Yes, as far as I am aware there was no trouble in which the Board of Trade was involved.

235. And there was no trouble, so far as you know, in the members of the profession; they had paid their fees from the time you adopted the rule that the fees should be paid?—I do not know whether members of the profession on the register outside the Institute entered objections with the Institute, but it is not in my mind that they entered objections to pay the fees with the Board of Trade.

236. As a matter of fact there were 264 members who were registered as agents, and 254 registered agents had really paid the fees up to the time when Mr. Lockwood demurred and resisted the claim of the Institute?—Yes, or some such number as that.

237. How long is it ago since Mr. Lockwood's action began?—The judgment in the Court below was in August 1892.

238. And in what year did you make the arrangement with the Institute to carry out the Act of 1888?—In 1889.

239. So that for three years, so far as you know, there had been no trouble in working under your rules for the registration of agents?—If there was trouble, it was trouble as between the Institute and the subscribers.

240. It did not interfere with the regulation of the business of the Patent Office?—No.

241. Do you think, as a matter of fact, that if the

Mr. *Mather*—continued.

the Act of 1888 had contained powers to levy a fee for registration there would have been any trouble at all; I think you said the judgment was based upon the fact that there was no power in the Act?—I am afraid there might have been trouble sooner or later.

242. From some other cause?—Yes.

Mr. *Bousfield.*

243. There would still have been the trouble as to whether those fees should go to the Institute, or whether they should go to the public funds?—Trouble from the want of direct representation of the members of the profession outside the Institute on the Institute would have arisen sooner or later.

Mr. *Mather.*

244. But I understand it was the Board of Trade who determined that those fees should go to the Institute?—Yes.

245. The Institute itself had nothing to do with retaining those fees or determining what should be done with them?—No; the Board of Trade, in entrusting duties under Section 1 of the Act of 1888 to the Institute, giving them power to examine and to do all the other things which the rules provide for, naturally felt that they were the proper persons to recoup themselves for doing the work.

246. And, as a matter of fact, the Chartered Institute was simply acting under your instructions in receiving fees?—Yes.

247. It was not an act of their own, I mean?—No.

248. I think you said that, of the 264 agents registered under the conditions you described, no inquiry was made as to general character; I do not mean as to position in society or rank or means, but no inquiry whatever was made as to the personal character of those agents?—No; the Board of Trade, I think, took the view that they might have been compelled, under Sub-section 3, to put an applicant on the register if he could show that he was *bonâ fide* practising as a patent agent prior to the passing of the Act.

249. But that deals only with those who were practising at the time you made your rules and regulations with the Institute?—Yes.

250. Are you aware that since that a number of registered agents, I mean those existing before your arrangement, have had to undergo some sort of inquiry on the part of the Institute before they were registered?—All those who did not come in under Section 3 have had to pass some sort of examination.

251. And this examination in some degree, I presume, forms a test of the character for honesty, fair dealing, and so on, of the patent agent?—It is an examination very much like that for the Army or the Bar.

252. There is an examination into character involved in the registration?—I am not aware whether the Institute demands any certificate of conduct from a master at school, or from a parent or guardian, or anybody else, when a candidate presents himself for examination.

253. I think you said, as far as general policy is concerned, the Board of Trade agree that all you could do, and all the law ought to do, is to recognise that certain persons, being competent to discharge the duties of patent agents, should be registered as such by the Institute; but other persons also, not being registered as patent agents, might also come into relations with the Patent Office and really represent an inventor in any matter connected with his invention, provided he did not put himself forward as a patent agent?—Certainly.

Mr. *Mather*—continued.

254. What matters can there be in connection with any patent, so far as dealing with the Patent Office is concerned, which would not involve more or less technical points?—I should like to quote Lord Kelvin's evidence, which I read before, on that point.

Mr. *Gibbs.*

255. I understood you meant that people might continue as they do now to act as patent agents, provided they do not call themselves patent agents?—Provided they do not describe themselves as patent agents.

256. So long as a man does not describe himself as a patent agent, he may perform all the functions of a patent agent?—Yes.

Mr. *Mather.*

257. Suppose an agent, other than a registered patent agent, came into relations with the Patent Office, he would be competent, in the opinion of the Board of Trade, to deal with all matters for an inventor without being a registered agent?—We take the view that he should not be shut out from representing, as an ordinary agent, the inventor in such matters connected with the Patent Office and patent work as the inventor chooses to entrust to him.

258. Your description of the Board of Trade policy seemed to me rather to clash with the Report issued by the Committee in 1885, in which they state: "Some witnesses urge that, if a roll of duly qualified agents were created, the Patent Office should be permitted to deal only either with the inventor himself or with an agent on the roll. We cannot recommend such a regulation, and think it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof." That is, I presume, the opinion of the Board of Trade to-day?—Our opinion is based upon the Report of the Committee of 1885.

259. So that in framing an Act of Parliament your policy would be to leave it entirely open to the inventor to be represented at the Patent Office by any sort of agent?—Yes.

260. Provided he, being unregistered as a patent agent, did not put himself forth as an agent?—Yes.

261. That is your policy?—It is.

Sir *John Leng.*

262. You mentioned that Mr. Haseltine before the Select Committee in 1872 referred to the power of some Commissioner in the United States to expel agents for misconduct; do I understand that that Commissioner had also power to exclude or prevent persons becoming patent

Sir *John Leng*—continued.

patent agents; or does Mr. Haseltine say anything on that point?—No, I think not.

263. From what he says it would appear to be quite free for any person to apply for a patent for an inventor?—Yes.

264. It was only in the case of misconduct of such an agent that he had the power to strike him off the roll?—Yes. As I understand Mr. Haseltine's evidence, it comes to this, that the Commissioner of Patents in the United States can say, "I have heard of charges against you; I have inquired into them, and I shall refuse to allow you to come before me to practise."

265. Do you know whether, since the year 1872, any system of enrolling patent agents has been established in the United States, corresponding to what the Chartered Institute have done, and what is proposed to be further extended in this country?—I do not.

266. Do you know of any European states in which there is a roll of patent agents?—I should not like to give any opinion to the Committee on the subject, because I have not it within my own knowledge.

Chairman.

267. Will you ascertain, for the information of the Committee?—I shall be glad to do so. I have no doubt Mr. Lloyd Wise could tell you.

Sir *John Leng.*

268. Will you also, when you come up again, give us the same information with regard to our own colonies?—Yes. The Institute of Patent Agents will also be able to give it to you. I have their records and communications before me, in which there is a good deal of information on the subject, but I think it would be better left to them to give it.

Chairman.

269. We should like it from you?—Very well.

Sir *John Leng.*

270. You mentioned the Institute and the Society, and some who were outside the Society. You did not refer in any way to agents who are more particularly agents for designs and trade marks; but have you had any communication from any of them on this subject?—Yes, we have. The view of the Board of Trade is that as they were not affected by the Act of 1888, they should not be affected by a Bill which is really brought in merely to give effect to the terms of Section 1 of the Act of 1888 as to keeping the register.

271. The Board of Trade would not favour imposing any restrictions in addition to those which now exist, so far as they are concerned?—Not at present.

272. You referred to two cases of discipline, in one of which, I think, you said there had been acquittal, and in the other a conviction, so to speak. May I ask you whether these cases originated in charges of incompetency, or in charges of a more or less immoral or dishonest character?—Charges of *mala fides.*

Sir *John Leng*—continued.

273. Leading to fraud?—Leading to what I would rather call gross professional misconduct.

274. Holding out representations contrary to the fact, or of what nature?—It would amount rather to undertaking to take out patents, receiving the money from a client in order ostensibly to do the work, and then not doing it.

275. According to the evidence laid before the Committee in 1885, apparently it was not so much from incompetence that inventors suffered as dishonesty, meaning amounting in many cases to actual fraud. May I inquire whether, since that time, there has been any new development of incompetence or dishonesty?—Not that I am aware of.

276. I suppose what has since been done would rather tend to prevent that?—I should assume so.

277. With reference to what you called the social or club side of the Institute, may I ask you whether anything similar to that exists in the admission of barristers, solicitors, and engineers?—I believe it does in the case of the Law Institution.

Chairman.

278. The club, as a club, is a distinct institution within the Law Institution. It is carried on in a room lent to the club by the Institution for the purpose, but the membership of the club and the membership of the Law Institution are not the same?—No.

Sir *John Leng.*

279. I should like to inquire whether, in the case of engineers, and so on, regard is had to the social and moral character, or whether it is not rather entirely to competency and ability?—I do not think it is so. Certainly, at the Law Institution, in return for the annual fee paid to the Institution, facilities are given to the members of the Institution to use the library and reading room, and so on, which are not afforded to solicitors on the roll who are not members of the Incorporated Law Society.

280. With regard to the scale of fees, may I ask you whether it is not thought somewhat exorbitant to make an annual charge of three guineas; may that not in some cases be felt to be rather heavy?—The Board of Trade attaches very little importance to the amount of the fee. I believe they consulted the Institute as to the expenses they would be likely to be put to in order to carry out the necessary work, and the Board of Trade believed that the fees were fair and reasonable. They have, of course, a very open mind on the question of amount.

281. "On entry of a candidate for the final qualifying examination, two guineas." That is over and above the annual fee, evidently?—That evidently is a fee on entering the name for examination.

282. I suppose you would agree that it is desirable that the poor inventor should have every facility of having his invention carefully examined by a competent patent agent, and that if

Sir *John Leng*—continued.

if there are heavy fees on the patent agent himself that must ultimately increase the charges for patents to the poor inventor?—Of course that may be so indirectly.

Mr. *Warmington.*

283. I should like to know from whom you received communication, other than the Law Officer of the Crown and professional advice, before the rules were passed by the Board of Trade?—The Inventors' Institute, the Incorporated Law Society, and the Institute of Mechanical Engineers.

284. Speaking generally, I suppose those would be the three bodies who would be most interested?—Yes.

285. Were there communications in writing?—Yes.

286. Is there any objection to allowing those communications to be placed before this Committee?—I will look at them. I have no doubt there will be no objection.

287. As to the rules themselves. Does the registrar who keeps the register under the rules act under the direction of the President of the Board of Trade?—Indirectly he does. I can refer you to the rule.

288. Take, for instance, rule 12. "The registrar may erase from the register." I want to know who gave him authority to erase a name from the register. Is it the Board of Trade or the Institute?—The Institute give him the direction.

289. Can they act by directing the registrar without the sanction of the Board of Trade?—Yes, there is an appeal, to the Board of Trade.

290. Have there been any appeals to the Board of Trade?—Do you mean by persons aggrieved.

291. Yes?—There have been communications with a view to an appeal, but no appeal has been heard by the Board of Trade.

292. I should like to ask you with regard to the Charter. Was there any opposition with regard to the Charter of the Institute?—To the best of my recollection there was no opposition to the grant of the Charter; there was opposition to the grant of the bye-laws.

293. From whom?—From the Society of Patent Agents and from individual patent agents.

294. Were those objections also in writing?—Yes.

295. Is there any objection to laying those before this Committee?—No, certainly not.

296. Then you had memorials from Mr. Lockwood and Mr. Haddon?—Yes, and I think from others too.

297. The fee is paid according to Schedule C. to the registrar at the Institute. What does the registrar do with the fees?—Prior to the opening of the suspense account he carried them no doubt to the credit of the Institute.

298. Generally?—Generally, but perhaps you will ask the President of the Institute that question. I take it that it was so. A change of practice became necessary, in consequence of the pressure the Board of Trade put upon the Institute, to open a suspense account.

Mr. *Warmington*—continued.

299. Prior to the suspense account was there any report made by the Institute to the Board of Trade of the fees received?—The annual report I think contains reference to the amount of fees.

300. A man may apply for a patent personally?—Yes.

301. Or by any agent he appoints?—Yes.

302. Suppose a person applies for others for a patent what do you say he is to call himself except a patent agent?—Unfortunately agents go very near to the mark indeed.

303. That is a difficulty we have to fear?—A man may call himself an agent for the applicant.

304. Or an agent for applications for patents?—Yes, or perhaps a patent expert.

305. Supposing a man calls himself "agent for applications for patents," as I understand that is a designation distinct from "patent agent" according to the view of the Board of Trade?—I do not know whether that has ever been tested in a court. I take the view myself that the Institute when they complain that this man calls himself a patent expert and another man calls himself "an agent for applications for patents," might be well advised to test a case before the court and see whether it came within Section 1 of the Act of 1888.

306. As has been put to you, a man may do all the work which a patent agent does, but he does not infringe the law if he does not call himself a patent agent?—If he does not describe himself as a patent agent.

307. He may do exactly the same work?—Certainly.

Mr. *W. F. D. Smith.*

308. I should like to ask you whether the Board of Trade consider that the Institute is representative of the profession now?—I am afraid, after all that has taken place, I cannot say the Board of Trade think it is.

309. And they would wish that something should be formed which would be representative?—The Board of Trade think that the control of the profession should be in the hands of the profession.

310. At present it is not quite so satisfactory as it might be?—No. I think, when the honourable Member hears the evidence which will be given on the one side and the other, he will come to that conclusion.

311. From that point of view you think it is not representative?—That is so.

Mr. *Johnstone.*

312. Can you give us any idea of the cost of keeping up the register?—I am afraid I cannot. That is a question which the registrar of the Institute would answer.

313. You spoke of the Board having gone into the question before settling these fees; I do not know whether you have any data that you could place before us on which these fees were settled?—No; I was not personally concerned in the investigation of the matter.

314. I want now to ask you a question with regard to Section 1 of the Act of 1888 and Mr. Lockwood's case. Mr. Lockwood fell directly

Mr. *Johnstone*—continued.

under the provisions of Section 3; that is to say, he was a person *bonâ fide* practising as a patent agent prior to the passing of the Act?—Yes; I believe that he was certified by the Board of Trade under that section.

315. But being in that position he was by the direct words of this section entitled to be placed upon the register without any qualification whatever?—Without any other qualification than that of prior practice.

316. Have you had any case in which the question has been raised whether the Board of Trade would have the power to impose conditions, fees, or otherwise with respect to patent agents who were not *bonâ fide* practising before the Act, and who applied subsequently to be put upon the register by examination?—I think indirectly we have, because I assume there are members of the Society of Patent Agents who have paid fees even for examination and subsequent annual fees under protest.

Chairman.

317. The question of the honourable Member is, have you any power to impose any qualification or examination or fees upon the class of persons who do not come within the exception of Sub-section 3.

Mr. *Johnstone.*

318. I am suggesting that the general rules which the Board of Trade may make under Sub-section 2 would not be applicable to a patent agent who came under Sub-section 3, and you could not limit the scope of Sub-section 3 by the rules?—No; that is quite so.

319. But Sub-section 2 you could?—Yes.

320. I do not know whether that has ever been tested in any way?—It has not been tested.

321. The decision in Mr. Lockwood's case may simply turn upon the words of Sub-section 3?—No; I think not, Sir, because he had ceased to be upon the register at the time, and it was because he had ceased to be upon the register that proceedings were taken against him.

322. I understood you that he had been placed upon the register as having been *bonâ fide* practising at the time?—So he was.

Mr. *Bousfield.*

323. Then I think in defence to the proceedings he said he was entitled to be on the register?—He refused to pay the fees.

Chairman.

324. They removed his name from the register and then they took proceedings against him for practising as a patent agent without being on the register?—Yes; whether he raised the issue suggested by the honourable Member by way of defence or not I cannot say. I should think he did.

Mr. *Johnstone.*

325. Has it ever been suggested so far as you know that the Board of Trade have no power to make general rules under Sub-section 2 which shall be applicable to all persons applying to be registured who do not come directly within the provisions of Sub-section 3?—No.

Mr. *Gibbs.*

326. I think you said that the Institute is not now representative, and that owing to the social side of it, there would be considerable difficulties in the way of making it so?—I say that it will be stoutly contended that the Institute is not representative of the profession because it only numbers 70 as against 264 upon the register.

327. And because in fact those others who are outside the Institute are not represented there at all?—Certainly.

328. And that of course this Institute, being in the nature of a social club, very naturally does not like to have people on it whom it does not know, or people who may not be pleasant socially?—I am afraid that is the suggestion which is made.

329. Does the Board of Trade see any difficulty in the plan that is proposed in this Bill of making a body, by universal suffrage among the registered agents, simply for the purpose of keeping the register and for exercising discipline?—A body entirely independent of the Institute?

330. Entirely dependent of the Institute?—Yes. I am disposed to think that that would be a waste of power. You would have two corporate bodies then side by side in a small profession of 264 persons.

331. Would not the Institute then be in the position of being a club for certain members of the Institute, and a very desirable thing doubtless to belong to?—Of course; the proposition which you put to me is made in the society's Bill.

332. What I wanted to know is whether you see any objection to that beyond the objection that you have stated that it might be considered a waste of power?—I confess that I think that the Institute have a position which entitles them to the first consideration in this matter, and, from the status of the members of the Institute and from the fact that they were first incorporated by Act of Parliament, and subsequently by Royal Charter, I feel it would be a misfortune to set up another body alongside the Institute which would divest them of some of the functions which they have endeavoured to perform to the best of their abilities.

Mr. *Bousfield.*

333. You think the alternative of making the Institute more inclusive is the better one?—I do.

Mr. *Warmington.*

334. So far as the Board of Trade is concerned, has it any complaint to make against the Chartered Institute, and how they have acted?—No.

Mr. *Johnstone.*

335. You are not able to put before us any suggestion as to how the Institute could be made inclusive?—Well, Sir, I would rather reserve, if I may, any suggestion upon that point until I have had an opportunity of reading the evidence given by the members of the Institute and Society.

336. We have asked Mr. Lloyd Wise if he had any suggestion?—Yes; and also representatives of the Society of Patent Agents. When I have read that evidence I shall then be in a position

Mr. *Johnstone*—continued.

position to come back here, if I am invited, to express on behalf of the Board of Trade any opinion which they may have arrived at after reading the evidence submitted to you.

Chairman.

337. You said in the earlier part of your evidence that one of the difficulties of the situation was that there was no power to punish patent agents for malversation?—Not for malversation; for gross professional misconduct.

338. Patent agents, like any other persons who infringe the law, are liable to civil proceedings for doing civil wrong, and to punishment for any criminal act?—Quite so. With respect, I do not think I used the term "malversation." I think I said gross professional misconduct.

339. Have you at all considered the question of patent agents' charges or remuneration for their services?—No, I have not.

340. And as to how far, if they are to have authority, and to a certain extent a monopoly, they ought to have their charges regulated according to some scale, as solicitors and other bodies?—I am afraid I am not now prepared to give you any information.

341. You have mentioned solicitors, veterinary surgeons, and dentists, as having Acts of Parliament giving them certain powers over the members of their own profession; but there are accountants, surveyors, civil engineers, and architects, who all have voluntary societies, but have no statutory powers, are there not?—They work under charters, I believe.

342. Without statutory powers?—The accountants are endeavouring to obtain statutory powers from this House.

343. But they have not got any; and none of those large professional bodies have got any?—I believe not.

344. You also mentioned designs and trade marks. Do not you think that the reasoning which would go to show the necessity for registering with reference to agents for patents extends to agents for designs and trade marks?—I am disposed to think that that may be found to be the case in the future.

Mr. *Bousfield.*

345. Patent agents do that same class of work, do they not?—Yes.

Chairman.

346. If the Institute is, as has been suggested, a sort of club, how can it be authorised to exercise jurisdiction over those who are not members of the club, but who are men earning their living in their occupation?—I am not prepared to say that it should. In answer to questions which have been put to me, I have said distinctly that I think that the registered patent agents who are not members of the Institute should find their way in there by some process or other. What that process is to be I am not prepared at the moment to say.

Chairman—continued.

347. Then you quite agree that so long as the Institute of Patent Agents chooses to remain an exclusive body, and to have what you have described as the club feeling or the social feeling, and to exclude, because they do not like them, other patent agents from their body, there is a difficulty in giving them disciplinary powers and powers which they are asking for this Committee to sanction?—I say that until the registered patent agents, not members of the Institute, are given a voice in the proceedings of the Institute on terms, there will not be a solution of the difficulties which you have now before you.

348. Are you aware that the Law Society admits any solicitor who pays the necessary fees; that it is not exclusive to the extent of drawing a distinction, but admits any solicitor on the roll who pays the annual fee to be a member of the Incorporated Law Society?—I confess I thought it was necessary to have a proposer and seconder.

349. Yes, but they do as a rule, do they not, admit all solicitors against whom nothing can be said?—Yes, certainly.

350. And that is the justification for their being entrusted with the custody of the roll of solicitors, is it not?—I assume it is.

Mr. *Mather.*

351. Do you mean to imply that this word "club," that you have used, is to indicate that the Institute of Patent Agents is a social body in any sense of the word?—Not at all. I am glad you have given me an opportunity of referring to that answer. I said that the Institute had a clubable side to it; I think that was the expression that I used; and that the members of the Institute, looking at it, perhaps, rather from that point of view than from the point of view that the Law Institution would take in such matters, say, "We do not want to receive patent agents who are upon the register without some inquiries as to their fitness to be members of the Institute."

352. Therefore it does not differ from any other scientific society or institution?—No.

353. There is the same clubable side if you look to other institutions?—I used the expression in that way. I merely wished to point to the fact most distinctly that it was a question of social eligibility, and not upon a question of professional eligibility that the objection arises.

Mr. *Bousfield.*

354. As a matter of fact, has its exclusiveness been based, not so much upon questions of social grounds, as it has upon scale of charges and advertising?—Certainly upon advertising, I do not know about scale of charges.

Thursday, 10*th May* 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Bousfield.
Mr. Alban Gibbs.
Sir John Leng.
Mr. Mather.
Mr. W. F. D. Smith.
Mr. Warmington.

MR. BOLTON, IN THE CHAIR.

Mr. WILLIAM LLOYD WISE, called in; and Examined.

Chairman.

355. I BELIEVE you are the President of the Chartered Institute of Patent Agents?—I am.

356. Your Institute was originally a voluntary society, was it not?—It was registered under the Companies Acts.

357. Afterwards you obtained a Royal Charter?—We did.

358. Will you put a copy of that in?—I will (*handing in the same*).

359. In 1888 an Act of Parliament was passed called the Patents, Designs, and Trade Marks Act of 1888, which established a Register of Patent Agents; and the Board of Trade made rules and regulations authorising you to appoint a Registrar to establish and keep a register of Patent Agents?—That is so; the Act was passed in 1888 and the rules were made in 1889.

Mr. *Gibbs.*

360. Are the rules you speak of the proposed bye-laws that have not been sanctioned?—No; the bye-laws not yet sanctioned are bye-laws submitted by the Institute in accordance with the provisions of the Charter, they require the sanction of the Privy Council which we still await.

Chairman.

361. What did your Institute do under those rules?—We appointed a Registrar, and we started a register which the Registrar kept. We also conducted examinations for admission to the register.

362. Will you describe to us the nature of the examinations which you instituted?—I think I may best do that by handing in a set of the examination papers. I put in a set of the examination papers in the first, second, third, fourth, and fifth final qualifying examinations held by the Institute (*handing in the same*). It may be convenient to the Committee that I should just shortly give the heads of the papers.

363. Will you state the nature of the examination?—The headings of the papers are: (1) "Statutes relating to patents, now in force"; (2) "Machinery"; (3) "Manufactures"; (4) "Case Law."

364. What do you mean by "machinery" and "manufactures"?—The "machinery" paper is simply a short paper to test the candidate's general knowledge of machine construction. For instance, in this first examination the question is asked, "Describe the parallel motion of the ordinary beam engine," and other questions of that sort are asked. "Describe some form of gravity escapement in clockwork"; "describe and explain the action of some form of turbine." Then there was a paper on "manufactures," as I have already stated, in which the following questions were asked: "Enumerate various classes of Prime Movers or motors"; "describe the manufacture of wrought-iron pipes," and a few questions of that kind.

Chairman—continued.

365. That was the first examination I understand?—The questions I am quoting are from the papers in the final qualifying examination first held. Then there was a paper on "Case Law." I can perhaps explain that best by reading the first question: "What was the objection to the validity of Watt's first patent in the action of Boulton and Watt *v.* Bull, and upon what grounds was the objection finally disposed of in the succeeding action of Hornblower *v.* Boulton and Watt?" The questions are in regard to a few of the leading cases relating to patent law. Then there was a paper on the "Preparation of Specifications"; one on "The History of Patent Law"; one on "The Laws relating to Designs and Trade Marks"; one on "Interpretation of Patent Specifications"; one on "Chemistry"; one on "Patent Practice and Procedure"; one on "Foreign Patent Laws and Practice, and the International Convention"; one on "Electricity"; and one on "Heat."

366. Was that the substance of the first examination?—That is so. There were 13 papers in all.

Mr. *Mather.*

367. May I ask, in passing that examination, what was considered to be necessary for a pass; had every paper to be answered fairly correctly?—No, not every paper. There were A and B marks; two B's counting as one A, and six A's passed a candidate. That is to say, if a candidate passed a paper well he was marked A for the paper; if he passed moderately he was marked B; if he got a C mark in respect of a paper it meant that the candidate did not pass in that paper.

368. Can

Chairman.

368. Can you tell us how many questions or subjects were there which the candidates had to answer or to pass in; because, unless we know the total number, the passage of six successfully would not give us any indication of the proportion that the candidate was required to pass in?—I am not able to say how many questions a candidate was bound to answer. I was not an examiner. I do not think there is any hard-and-fast rule as to the number of questions to be answered.

Mr. *Mather.*

369. You read over to us just now a series of questions or subjects in which examination took place?—Yes.

370. In all, they came to 10 or 12, I think?—There were 13 papers in the first examination.

371. Are we to understand that if a candidate passed six of them in the A class (that is "excellent," I presume) he had then fulfilled all that was required of him?—Provided he did not fail to pass in any compulsory paper.

Chairman.

372. What were the compulsory papers?—Perhaps it may be convenient if I read an extract from the scheme of examinations in 1889, which applied to the first final examination, and to the subsequent final examinations: "The following system of marking is recommended to the Council. On every paper" (not every separate answer) "the candidate will be marked A, B, or C, according to the merit which he may show. There are 13 papers in all, and six A's will pass a candidate. Two B's will be counted as one A; subject, however, to this exception, that the mark A or B must be obtained in the following papers:—the two papers relating to the 'Preparation and Interpretation of Specifications,' the paper of Elementary Questions on "Manufactures," and the paper on 'Statutes in force.'"

373. Those were the essential subjects?—Those were the essential subjects.

Sir *John Leng.*

374. You mentioned that two B's were equal to one A; what were the C's equivalent to?—They meant no pass.

Chairman.

375. Now, will you proceed with the second examination?—The same rule applied to the second final examination. The second examination was held in November 1890.

376. Do I understand that these examinations were a series of examinations for qualification?—No; it is a final qualifying examination held annually.

377. The examinations you refer to are all that you have held since the Institute has been constituted?—Quite so.

378. What was the date of the first examination?—November 1889. The second was in November 1890; and before that second examination, that is to say, on the 23rd of July 1890, the following alterations were made:—that the papers be reduced from 13 to 10, and that in marking the papers five A's should pass the candidate, two B's being equal to one A.

Chairman—continued.

379. That was a lowering of the standard of examination?—Yes, to some extent.

380. What led to that?—I do not call to mind what it was, except that it was to simplify matters; one or two subjects it was thought might be eliminated.

Sir *John Leng.*

381. It might not be an actual lowering of the examination, but only a limitation of the subjects?—Of course it involved passing a smaller number of papers.

Chairman.

382. What was the difference between the second examination and the first, substantially? There were certain papers dropped out; so that those remaining were the papers on the statutes, one on Applied Mechanics and Electricity, one on Manufactures, one on Case Law, one on the preparation of Specifications, one on Designs and Trade Marks, one on the Interpretation of Specifications, one on Chemistry and Heat, one on Patent Practice and Procedure, and one on Foreign Patent Law and Practice, and the International Convention; those were the papers retained.

Mr. *Warmington.*

383. They are the same subjects, apparently; but you put two subjects in one paper?—It was so partly, I think; it was an abbreviation. The paper on "The History of Patent Law" was dropped.

Chairman.

384. We only want to see the nature of the examination you instituted under this Act of Parliament, and the rules, without going into details?—Yes; those papers I put in will show that.

Sir *John Leng.*

385. Was there any oral examination?—None.

Chairman.

386. When was the third examination, and what was the nature of it?—The third examination was in November 1891, and it was on similar lines to the second.

387. When was the fourth?—The fourth was a year later; there is one each year. The fifth was held in November 1893.

388. Before any person submitted himself to that examination, he had to pass some preliminary examination, had he not?—Not if he had served as pupil, or as assistant, for seven years to a practitioner, or if he was a solicitor.

Mr. *Mather.*

389. Do I understand that all these applicants came up for examination after having served seven years in a Patent Agents' office?—Not necessarily. Some of them may have come up in consequence of having certain qualifications; that is to say, having passed one or other of the examinations specified in the Information Paper.

Chairman.

390. Was there any preliminary examination imposed upon a candidate?—Yes, if he had not served seven years with a patent agent.

391. What was that preliminary examination?—It was not any examination held by the Institute, but it was one of the examinations specified in the Information Paper, viz., the matriculation examination at any University in England, Scotland, or Ireland, the Oxford or Cambridge middle-class local examination, the first public examination before moderators at Oxford, the previous examination at Cambridge, the examination in Arts for the second year at Dublin, the examination for a first-class certificate of the College of Preceptors, or an examination resulting in the obtaining of a Whitworth Scholarship.

392. Was the examination of the Civil Service Commissioners also a qualification?—That examination was not admitted, because it included a very slight form of examination for inferior clerks.

393. Therefore you dispensed with that?—Therefore we dispensed with that.

394. That was an examination provided for by the rules of the Board of Trade, was it not?—Originally it was, and I think it was afterwards eliminated.

395. That is to say you did not require that?—We did not; it was not considered good enough.

396. Therefore a candidate first had either to serve seven years in the office of a registered patent agent, or to pass one or other of those preliminary examinations which you have enumerated?—Yes; unless he was a solicitor or had been seven years in the office or offices of one or more registered patent agents, it was necessary he should have passed such a preliminary examination as indicated.

397. Then the candidate had to pass one of those examinations that you have previously referred to?—Yes.

398. And that was the final examination?—Yes.

399. If he passed those examinations satisfactorily he received his certificate?—Yes.

400. Upon that certificate the Registrar whom you have appointed to keep the Register of Patent Agents entered him upon the register?—Yes.

401. That was all a candidate had to do to get on the Register of Patent Agents?—Yes.

402. Now will you tell us how many candidates presented themselves for these examinations, and how many went through?—Twenty-eight in all presented themselves from first to last, and of those 22 passed. In three cases the candidate came up twice, and in one instance a candidate came up thrice.

403. What fees were charged for those examinations?—Two guineas, the amount named in the Board of Trade rules.

Mr. *Gibbs.*

404. Do I understand you to say that there are only 28 who have been examined altogether?—Yes.

Sir *John Leng.*

405. In the five years?—Yes, in the five years.

Chairman.

406. In forming the register, you put on all those patent agents who had been in practice before the passing of the Act of 1888, or all that you knew of?—All that were certified by the Board of Trade.

407. Did you charge them any fee?—Only the fees mentioned in the Board of Trade rules.

408. That is a fee of two guineas, is it not?—The fees are set forth in Appendix C. "On application and before registration, five guineas."

409. What else did you charge them?—Then there was an annual fee of three guineas.

410. You first put on all the patent agents who had been in business up to the date of the Act of 1888 on payment of these fees?—Yes.

411. Then you added to the register those persons who had passed those examinations you have been describing?—If they applied to be registered.

412. And they in their turn had also to pay these extra fees?—Yes.

413. How many people were put on the register in the first instance?—I do not know in the first instance how many. The present number on the register is 246 (not 264, as stated on the last occasion).

414. Did any people apply to be put on the register who were refused?—The applications would go to the Board of Trade, and I am not in a position to know how many of those who applied may have been refused.

415. You suggest that we should ascertain that information from the Registrar?—From the Board of Trade. The Registrar would not know how many persons had applied to the Board of Trade to be registered; he would only know of those that the Board of Trade had certified for registration, or otherwise mentioned.

416. Did any of the patent agents object to the position which your Institute was taking in connection with the register?—So far as I call to mind, not before the Lockwood case.

417. They did not object to the fees you were charging?—Not that I am aware of.

418. How did you conduct your Institute; did you have annual meetings for the election of the council?—Yes; a certain portion of the council went out annually.

419. Were the fees regularly paid by the members of your Institute?—Yes, registration fees.

420. I mean the annual fees that you charged?—There are fees payable by the agents for being on the register.

421. I understand that there are fees payable by the members of your Institute as such?—Yes.

422. There are also fees payable by registered agents for entry on the register?—Yes.

423. All those fees you took, did you not?—Yes.

424. Was there any objection made by anyone to paying those fees?—Not prior to the Lockwood case, so far as I know.

425. Now will you refer to the Act of 1888, Clause 1?—I have it before me.

426. What did you understand that clause as giving the Board of Trade power to do?—We understood

Chairman—continued.

understood that the Board of Trade had power to make rules, which, as a matter of fact, they did make, and which we faithfully carried out.

427. What are the claims of patent agents to be treated as a separate body of professional men?—The profession is one that requires a very varied and special knowledge, a knowledge in fact that even the most experienced often feel they scarcely attain, and it also requires that the persons who are practitioners should be men of probity; because in the course of their practice they are entrusted not only with the inventions, but also with the monies of those who seek protection or advice in respect of their inventions.

428. Will you describe to us what is the duty of a patent agent; what is his business?—Amongst other things he has to advise the inventor as to whether his invention is subject-matter for a patent. He has frequently to advise him what is the bearing upon his invention of things that have been done before; and, needless to say, it is extremely important that in giving that advice the patent agent should be guided by a knowledge of precedents and of law, and that he should act in good faith. Also, the patent agent has to prepare the title, the provisional specification (if one be lodged), and the complete specification; and where a provisional specification is lodged at first, to see that what is described and claimed in the complete specification comes fairly within the four corners of the provisional specification; because otherwise, notwithstanding the official examination, the patent may be upset in a court of law, as I need scarcely tell the Committee. Also, an agent is called upon to advise; and in cases of infringement, or supposed infringement, he frequently has to advise, whether his client should resist the claim of a prior patentee or should pay a royalty, or perhaps cease to manufacture. He has to advise his client also with regard to patents in a great many different parts of the world under a great variety of laws; he has to advise him frequently as to the conditions upon which he should grant licenses, and generally to indicate the heads of agreement, and so on, in various matters which the patentee is in the habit of submitting to his solicitors. That is very frequently the case; in fact the patent agent is very often indeed consulted by solicitors of standing in regard to patent matters and as to agreements, and the suggestions he would make for the protection of the respective parties, based upon his experience in the commercial working of patents. Then a patent agent also has to advise on amendments to specifications in view of objections raised on the ground of want of novelty or excessive claims. He also has to advise whether opposition should be entered, and whether resistance should be offered where there has been opposition; he has to conduct cases of opposition sometimes on the ground of fraud. So that he should be competent to form a fair estimate of the value of the evidence in dealing with cases of that kind. He has to appear in the Patent Court before the Comptroller as the advocate of the applicant or the person who is opposing, and generally he has a great variety of duties which call for an extensive legal and technical knowledge.

Chairman—continued.

429. Does not he also have to make searches?—He does.

430. And he has to prepare final specifications?—He does.

431. And to take care that the final specification is in accordance with the provisional specification, if there is one?—That is so.

432. And to see that the patent, so far as he can, when it comes to be granted, is in accordance with the forms and requirements of the law?—Quite so; and in accordance with requirements which are not by any means merely formal, requirements based on the subject matter and the form in which the patent is claimed.

433. Is not a good deal of what you have described work which is of a legal character, and which, in fact, is transacted by the solicitor of the patentee?—As a matter of fact, according to my experience, it is a comparatively rare thing for a solicitor (if we except one or two solicitors who make patent business specially a branch of their profession, and who are therefore registered) to act in the capacity of a patent agent himself; as a rule he employs a patent agent to do the work. Although, of course, I freely recognise that the training of a solicitor is calculated to carry him a long way towards competency to act as a patent agent, yet his experience falls short in technical matters as a rule, unless, as I say, patent agency has been a special branch of his practice. That that is the case could be shown to the Committee by examples with regard to specifications filed by solicitors.

434. But in view of the varied character of the subjects of patents, for instance, chemical patents, patents relating to land, patents relating to mechanics, patents with regard to special branches of industry and special manufactures, is it not rather a strong suggestion to make that the patent agent has a special technical knowledge of all the subjects of patents?—I do not suggest that the patent agent invariably knows all about every class of subject he may have to deal with; but the patent agent, by his experience and training, if he falls short in any particular department of knowledge, knows how to make up for the shortcoming by the assistance of those specially versed in the particular branch. We have, of course, in the profession men of very high scientific attainments, and who are recognised as such; but take, for instance, the case of a man who perhaps has not equally high scientific attainments, he has about him for the different branches of his work and for the purposes of assisting him (he taking care to exercise the control), men with whose assistance he is not likely to fall short of what is required of him in the preparation of the necessary documents in the various classes of patents to which you have referred.

435. That is to say, the patent agent resorts to experts in the particular branch of manufacture or industry, or particular subject of the patent which he is going to apply for?—He may do so in some cases. I should not wish to be understood as suggesting that every patent agent finds it necessary to do so. As I say, we have some men of very high scientific attainments as patent agents.

Chairman—continued.

436. That is to say, if an individual patent agent happens to be an authority on chemistry, he relies upon his individual knowledge to assist him in preparing a specification, or advising the applicant for a chemical patent, and does not go to a chemist for assistance?—Quite so.

437. But if he does not know so much about mechanics, and he has a mechanical patent to apply for, he goes to a specialist in mechanics?—He would probably do so; he would probably have on his staff someone of that character.

438. Does it come to much more than this: that a patent agent is an agent and an agent only?—I think it comes to very much more. He is a man who is required to be specially conversant with matters pertaining to his profession, in the same sense that a solicitor or a physician, or a member of any other recognised profession must be.

439. You will understand that I am only asking these questions to elicit information?—Quite so.

440. Assuming that he is a man of fair education and masters the Patent Acts and the procedure, what is there to prevent his giving, in ordinary cases, reasonably sufficient advice to a person applying for a patent as to the way in which that person should proceed to get a patent and in acting as that person's agent?—Of course I do not know what kind of education you refer to. If training as a patent agent has been part of his education, then he is probably competent to act in that way; but if you take a man simply because he has had a good school education, and just get him to read up the patent law, and let him loose to pose as a patent agent, I can only say I should be exceedingly sorry for anybody who might become his client.

441. But the Deputy Comptroller of Patents came into the office, did he not, without any experience of the work of obtaining patents or of the Patent Office, and took the control, and after two years felt himself competent to go before the Departmental Committee and give evidence before it?—The Deputy Comptroller, of course, would know what was taking place in the Patent Office, being in constant communication with the technical gentlemen employed in various capacities, as examiners and so forth, in that Department.

442. Is it not the case that a great many of the new examiners who were appointed were brought into the office without any special knowledge of the patent law, or of the procedure in obtaining patents?—That doubtless was so, and the result was by no means satisfactory; and if it had not been for the care taken by the patent agents, the results would have been very much more disastrous than, as a matter of fact, they were.

443. You believe that the patent agents very much assisted the bringing into operation of the new system?—I am quite sure that the patent agents have done a great deal in the interests of the inventor with regard to making representations to the authorities as to the manner in which the Act should be carried out.

444. What necessity is there for making this business of obtaining patents a special and exclusive profession?—Perhaps I can best answer that question by giving an example. After due inquiry, a certain practitioner has, by order of the Board of Trade, been struck off the register for dishonest practices.

Chairman—continued.

Sir *John Leng*.

445. You are, I understand, speaking of an actual case, not a hypothetical one?—Yes.

Chairman.

446. What was the dishonesty?—Receiving money for a specific purpose, and not applying it to that purpose.

447. That is a punishable criminal offence, is it not?—No doubt; but still I venture to suggest that it is desirable that inventors, many of whom are poor working men, should be protected against practices of that kind, and that it is not always an easy thing for a working man to prosecute before the ordinary courts; we know, indeed, perfectly well, that it causes a great loss of time and a great deal of inconvenience. It is within my experience, I may say, that often prosecutions are not instituted by those who have suffered loss, not only in patent agency, but in other things.

448. You think one reason is that it is desirable to have honest honourable men?—That is one reason.

449. Will you give us another reason?—There is this also: If a man is struck off the register in the present state of the law, he can still practice as a patent agent and call himself a variety of things,—patent expert, inventors' agent, or call his place of business "Office for patents" or "patent office," and he can practically do everything, except use the precise designation of "patent agent"; so that he can go on robbing individual inventors of their inventions, and of their money.

450. On what other ground do you think it desirable to make this a special and exclusive profession?—On the ground that the inventor goes to a man for professional assistance in order that he may have his invention efficiently protected if possible; he goes with the intention and desire of having that done, and it is very necessary, so far as practicable, to ensure that when he goes to a person professing that sort of business, he should fall into safe hands; otherwise he is likely to lose all the benefit that he would obtain from his invention if properly secured.

451. But the Comptroller of Patents did not quite take that view, did he, when he gave evidence before the Departmental Committee. Mr. Reader Lack, who is the Comptroller, says, in answer to Question 464, "It was subsequently decided by the Law Officers that the Patent Office should accept applications from this class of inventors," (that is, persons who draw their own claims, and where the claims are not drawn with very great exactitude ("in their own language," provided that the applications could be said to comply with the formal requirements of the Act; and the Law Officers were of opinion that, if subsequent dispute arose, the Court would place a more favourable construction upon a specification accepted in the wording of a poor inventor than upon

Chairman—continued.

upon any construction which we put upon it. Since that instruction, we have not touched either claims or specification." What he meant in saying that was that the courts would not attach that vital importance to the advice to the poor inventor which you are suggesting now? —In answer to that I would submit to the Committee that a court would hardly be likely to do the gross injustice to the public of placing upon the specification an interpretation which would make the patent hold as against anybody who on reading the specification was fairly entitled to place a different interpretation upon it. To put it in other words, it seems to me that the specification must be such as will fairly intimate to those reading it what is the invention which the patent covers. Decided cases show that the courts still adopt this view.

452. Do you go further than this: that of course a man devoting himself to preparing specifications and to advising upon patents would be naturally more competent to prepare a full and accurate specification than a person unaccustomed to that work?—He would undoubtedly be more competent, and there could be cited many examples to prove that.

453. Does your argument go much further than that a person devoting himself to business as a patent agent would, because of his attention to that work, be able better to prepare specifications and advise upon patent business than a person not so devoting his attention to the business?—Yes, I go further: I say that in many cases assistance of that kind is necessary in order to obtain a patent which can be supported.

454. Then it is because you consider that it is desirable that a class of men should be set apart whose honesty is to a certain extent ascertained and guaranteed, and whose ability is to a certain extent tested, that you contend there should be a separate profession established?—Quite so, so that a door should not be left open for dishonest and incompetent persons under some other designation to evade the spirit of the law.

455. What do you mean by the "spirit of the law"?—The spirit of the law I take to be this: if you once admit the desirability of a register of patent agents, you admit that there must be some protection for the public against fraudulent pretenders.

456. But a register would not effect that, would it?—No; but provisions such as are contained in the Institute's Bill would do so. I would put it in this way: if I wanted my will drawn I should certainly go to a solicitor, or if I required a conveyance of property, or if I was going to lend money on mortgage, I would go to a solicitor. If it should be open to somebody calling himself an adviser in law to do all that work for me and charge me fees, he being probably utterly incompetent, I should be not only defrauded of the money I paid him, but very much more serious consequences would be likely to arise. If I go to a solicitor now I know I am going to a man into whose antecedents there has been due inquiry, and whose competence has been inquired into, and who is liable to be struck off the rolls if he acts dishonestly; and I submit that the profession of patent agent is one akin to that of a solicitor in that respect.

Chairman—continued.

457. But there are registers in existence, are there not, with reference to occupations which are not constituted after examination, and do not imply such a guarantee as you suggest they do imply?—I do not know of any, excepting in so far as, for instance, it may be said that the register of patent agents has on it the names of people who are not competent, and who are not honest. I daresay there may have been a time when the register of dentists had on it the names of men who were not competent and not reliable, because everybody who had ever professed to pull out a tooth was pitchforked on to the register, just as those people who professed to be patent agents were pitchforked on to our register.

458. In drawing up a register you could not commence, could you, without recognising those persons who are getting their living by the particular business which is registered?—If they were getting their living by it I should be the very last man in the world to attempt to do so.

459. You could not suggest that persons who were actually patent agents at the time the register was established had not a right to be put on?—But I would suggest that a man who had once lodged a complete specification five years previous to the passing of the Act was not a man who was getting his living as a patent agent at the time of the passing of the Act.

460. Supposing he was partially getting his living as a patent agent at the time of the passing of the Act?—I think evidence of that would have been forthcoming.

461. Does it not occur to you that this register which was required by the Act of 1888 may have been intended to be established without the examinations that you have instituted?—I cannot conceive that that can have been the intention, for, if that were so, I fail to perceive what the utility of the register would have been.

462. You know probably that there is a register of Parliamentary agents, and I suppose you would admit that Parliamentary agents discharge very difficult and important duties; but there is no examination of the persons who want to be put on that register?—I am not sufficiently familiar with the conditions upon which a Parliamentary agent may be registered to be able to express any opinion.

463. The first section of the Act of 1888 provides that "every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent shall be entitled to be registered." Therefore those persons had a statutory right to be put on; then afterwards other persons may claim to be put on, and those persons are persons who are exclusively agents for obtaining patents?—But under regulations.

464. Where do you find that in this section?—The Board of Trade are to make general rules for carrying that out; and, so far as my knowledge goes, the object of the Legislature was evidently to endeavour to secure a roll of competent and reliable persons.

465. Was it the intention of the Legislature, do you think, to make that roll exclusive?—Certainly.

466. Do you think it was the intention so to limit

Chairman—continued.

limit the persons to be put on, either by requiring fees or by requiring certain qualifications, or certain examinations as to make it an exclusive register?—Yes, in this sense: first of all, as to the point of payment, if a register is to be kept there must necessarily be attendant expenses. Then, as to qualifications, a register would have no object if it was simply a register on which anybody's name could be placed, regardless of restrictions. The very fact that special exception is made in favour of certain men (those who proved that they were in *bonâ fide* practice prior to the passing of the Act) to my non-legal mind conveys that other persons in order to be placed on the register will be required to fulfil certain conditions to be prescribed by the Board of Trade.

467. But has not a court of law in Scotland decided that the conditions which the Board of Trade specified with regard to the register are not justified?—There has been a decision which would seem to strike at some of the rules; but that decision is under appeal to the House of Lords at the present time.

468. That is under appeal by your Institute?—Quite so.

469. Do you intend to prosecute that appeal?—We do.

470. The objection in that case is to the payment of fees?—That is the main objection, I believe. Of course, there has been a decision each way, so far; the decision of Lord Low in the court of first instance was in our favour.

471. But you must take the decision of the Court of Appeal as the law until it is reversed by the House of Lords?—Quite so.

472. The effect of that decision is that the Board of Trade have no power to make the rules, or some of the rules at all events, which they have made?—That some of the rules go beyond their powers.

Mr. *Mather.*

473. Do you know of any rule that is taken exception to in that decision, except the charging of the annual fee for registration?—I do not call one to mind. It is some time since I read the judgment.

Chairman.

474. Supposing there was a register of patent agents established, might it not be a register kept at the Patent Office?—No doubt a register might be kept there.

475. Would not that be useful to inform the public who were persons who had devoted themselves to the work of patent agents, so that the public might select from that register one of the persons who devoted their time to patent work?—Such a register might be so kept as to be highly mischievous.

476. But what do you say with regard to designs and trade marks; do you suggest that a patent agent should have the exclusive right of applying for the registration of designs and trade marks?—I have never made that suggestion. Designs and trade marks undoubtedly do call for the exercise of considerable knowledge, but by no means anything like the amount of knowledge that is required of a patent agent.

Chairman—continued.

477. Then you draw a distinction in the case of designs and trade marks?—I draw a distinction.

478. You make no claim for designs and trade marks to be included in the exclusive work that is to be entrusted to the patent agents?—We make no such claim. Patent agents, as a matter of fact, do a good deal of business in that line, but we make no claim to have persons on the register as a condition of their practising as trade mark agents.

479. We have, I apprehend, to look upon this proposal to constitute a profession of patent agents from the public point of view, and on behalf of the public?—Undoubtedly.

480. Your claim to be constituted a separate profession must rest on public utility and public advantage?—Yes; just in the same way as that of solicitors.

481. Because it is creating a monopoly, is it not?—I should hardly call it strictly a monopoly; it may perhaps be properly so termed, but we do not seek to keep out from practice anybody who proves that he is reasonably competent and conducts his business honestly. We do not propose to say that, there being now on the register 246 persons, no one else shall hereafter be allowed to practise.

482. If you get an Act of Parliament which gives your Institute the control of the profession and authorises you to keep the register, to put people on, to remove from the register, to establish examinations, and to lay down conditions, surely you get a monopoly, do you not?—I think not, because we could not even then conduct our examinations or keep the register in such a way as would involve any injustice to anyone. If, for instance, we made the examinations excessive, or if we showed any undue favour, or anything of that kind, I take it that we should not be complying with the spirit of the law, and we should be really then endeavouring to create a monopoly, which, I take it, would be *ultra vires.*

483. Why does not your Institute widen the basis of its constitution and rules so as to comprise the bulk of patent agents instead of the limited number that at present belong to it?—I may say that our Institute has always been open to any practitioner of reasonable skill and good repute, that originally we started with 48 fellows, that after that about 39 in all were elected; but, of all those who have ever sought election as fellows of the Institute, only three have been rejected; one by the council as the result of their preliminary investigations, and two by the fellows in meeting assembled by ballot. Those three are the only three instances of rejection.

484. What do the fees amount to, the entrance fees and the subscription to the Institute?—In the first year it comes to 10 guineas.

485. And afterwards?—Four guineas a year.

486. That has to be paid in addition to the annual fee for registration?—Quite so.

487. Have you not rules as to the amount which the members of your institution are to charge for obtaining patents?—No.

488. Have you not recommended charges to be made by patent agents?—We have.

489. Did you not recommend the following charges: application for provisional specification,

Chairman—continued.

tion, five guineas; complete specification, following provisional, 10 guineas; application with complete specification, 12 guineas?—We issued, for the general convenience of fellows when the Act of 1883 was passed, such indications as you have mentioned; but they were issued simply for their convenience and guidance, and in no sense to bind them; and, as a matter of fact, the fellows of the institute have by no means invariably adhered to those charges. I for one have not done so.

490. That is to say, in small patent cases you have taken much less?—Yes, I have charged less.

491. And in large patent cases have you charged much more?—No, not much more, I think. Still, in my own practice, and in the practice of other fellows of the institute, as we have gained experience of the working of the Act, we have arranged our charges according to the work involved in the particular cases.

492. If we give the institute power to control this occupation, or business, or profession, or whatever you may call it, and, practically, to limit the number of members who are to exercise that business, may you not establish a scale of charges of a high character and so obtain a very lucrative monopoly?—I think it would be quite impossible, because there would always be a considerable number of practitioners who would not care to belong to our institute, on the same principle that out of the 15,000 practising solicitors only half belong to the Incorporated Law Society. Even if we made the attempt (which I feel persuaded there is no desire to do) to lay down any hard-and-fast rule with regard to charges, I am quite sure that those agents not belonging to the institute would, by competition, be able to, and would, fully protect the public.

493. You do not propose, do you, to have your charges regulated by an outside authority, as solicitors' charges are by an authority outside the solicitors' profession?—We have not so proposed; we have not proposed, in fact, to regulate charges at all.

494. But will not the effect of constituting a monopoly such as you are suggesting, be to give you, practically, the control of this business or occupation, and to limit the number of practitioners, and to enable you to, practically, fix your own charges?—No.

495. Now I think perhaps I had better take your Bill as embodying what your institute wants; will you refer to your Bill. In the memorandum on the face of it you say: "The object of this Bill is not to create a monopoly, but to regulate the profession of patent agents in a manner similar to that in which other professions, such as those of solicitors, veterinary surgeons, and dentists, are regulated"?—Yes.

496. "It is desirable that this object should be attained by an Act, rather than by rules made under an Act, as is the present case. The Bill provides special facilities for the admission to membership of the Chartered Institute of Patent Agents, and protects the public from deception by the unauthorised assumption of the title of patent agent. In other respects it embodies and carries out existing provisions." What are the existing provisions that this Bill carries out?—The existing provisions are those of Section 1 of the Act of 1888 and the Board of Trade rules.

497. But the Act of 1888 simply provides that a man shall not call himself a patent agent who was not engaged in obtaining patents prior to 1888, and who does not, after that Act, devote himself exclusively to the work of obtaining patents?—Who is not placed on the register under such general regulations as the Board of Trade may make.

498. You mean that under the present law the Board of Trade have power to regulate the whole of the profession of patent agent or employment of patent agent?—Certainly; the conditions upon which a person shall be placed on the register so as to be entitled to describe himself as a patent agent.

499. This is the memorandum: "The provisions restricting the right to practice and to recover charges to registered persons, are similar to those conferred on dentists and veterinary surgeons by existing Acts." Have you referred to the Acts with reference to dentists and veterinary surgeons?—I have in the past; not just lately. I have them here.

500. With reference to veterinary surgeons, there is no annual fee payable for maintaining the register, is there?—I do not at this moment remember.

501. Does not your Bill go very much further than either the dentists' Bill or the veterinary surgeons' Bill?—I do not think so.

502. Does it not, in its general scope, seek to localise that which the Scotch Court of Appeal has declared illegal?—It seeks undoubtedly to provide that certain fees shall be paid as a condition of registration; because, obviously, the register cannot be maintained, and examinations conducted, and the provisions of a section like Section 1 of the Act of 1888 enforced without funds.

503. Does it not practically compel all the agents to contribute to the funds of your institution?—To the extent which we conceive to be necessary for the protection of those agents themselves, in so far as they are respectable practitioners, and honest practitioners, as against those who are otherwise.

504. But if they are to pay to your institution, why should not they become members of it, and join in its management?—Persons belonging to our institution pay special fees for that privilege, just as the society's Bill makes provision for extra payment by those who are to belong to this proposed new body that they contemplate.

505. Well, that is to say that the 70 members of your institute are to receive fees from the 270 or 300 patent agents, and to appropriate those fees to the purposes of the institution?—No; to the purposes of carrying out those provisions relating to registration, examination, and the purification of the register from time to time, as may be necessary in the interest of all reputable and honourable agents.

506. That is the object of your charter, is it not?—That is an object of our charter.

507. Therefore the fees are to be applied to the objects of your charter?—Well the objects of

Chairman—continued.

of our charter are not exclusively those. Our institute was formed, generally, for the purpose of improving the status of the profession, and to this end certain conditions are required of those who would be fellows of the institute.

508. Now look at Clause 3: "If any person other than a registered patent agent takes or uses, whether by advertisement, by description on his place of business or elsewhere, or in or on any paper or document or otherwise, and whether in his own or any other name, the title of patent agent or agent for obtaining patents, or patent registration agent, or patent attorney, or patent expert, or inventor's agent, or any name, title, addition, or description, stating or implying that he is a patent agent, or that he is a person qualified to act as a patent agent, or uses on his place of business or elsewhere the words 'patent office, office for patents, patent agency,' or any other words implying in any way that he acts or practises in any part of the United Kingdom as an agent for obtaining patents, he shall be liable, for each offence, to a fine not exceeding 20*l.*" How do you propose to carry that out?—Well, of course those are on the register who were in practice before the Act of 1888, and we propose that any person who acts as a patent agent (whatever he calls himself) should require to be registered, just in the same way that anyone who acts as a solicitor must be registered.

509. That is to say, if a man does any of those things you intend to prosecute him on behalf of the institute?—Certainly; not only for the protection of all patent agents, but also for the protection of the public, who are grossly imposed upon to a large extent.

510. I will not go through this Bill in detail, but it contains some very drastic propositions, and I should like to ask you what necessity there is for such drastic propositions as these?—The necessity is that people are very frequently imposed upon, to the loss of their inventions and of their money. If an inventor likes to apply for a patent himself, without an agent, he knows what he is about, and he knows the risk he is taking, but if an inventor goes to a person of whom he knows very little, in the hope of getting assistance, guidance, and advice, and is robbed, as inventors over and over again are robbed, I think there is ample justification for the proposals of our Bill.

511. The surveyors, architects, civil engineers, and accountants, all carry on their business with the aid of chartered and other institutions representative of the profession, and societies representative of the profession, without Acts of Parliament containing penal provisions, do not they?—Those are professions, the services of whose members are not, as a rule, required by persons of the same class as very frequently require the services of a patent agent, or a doctor, or a dentist, or a solicitor. A solicitor, perhaps, I ought to exclude in that connection. What I mean is this: that a poor inventor is not a man with the same class of connection as a man who is likely to require the services of a surveyor, and who may go to his solicitor and say: "Can you tell me of a reliable surveyor?" or, in the case of a man likely to require a chartered accountant, he again has a solicitor, and if he himself does not know of a good accountant, he is probably, at any rate, sufficiently educated and intelligent to know that if he goes to a chartered accountant he cannot go far wrong. The same thing is true of civil engineers. When a member of the Institution of Civil Engineers is required, it is not a poor working man who goes to the civil engineer.

Chairman—continued.

512. But would not he know, if he goes to a member of the Chartered Institute of Patent Agents, that he is going in the same way to a respectable man?—I do not know that that would be known. A great many working-men inventors would not know that; they would fall into the hands of the first advertising scoundrel whose advertisement they happened to see.

513. One of your rules is against advertising, I think, in your profession?—No.

Mr. *Alban Gibbs.*

514. But a "recommendation" is that, is it not?—Only against certain forms of advertising; for instance, what we feel is this, if I may just read a few words from a paper that I read to the institute; it is only very short.

Chairman.

515. Will you put in your rules and regulations with reference to that?—Certainly.

516. And the "recommendations," such as you mention?—I will, with pleasure. What I say in my paper is this: "If our profession is one requiring an extensive and varied education, surely it is to be desired that we should conduct our business on similar lines to those adopted by respectable members of other professions. For example, what would be thought of a physician who should advertise thus: 'Dr. A. B——, F.R.C.P., will see patients for 5*s.*;' or who should send out a circular, 'Dr. A. B——, F.R.C.P., having heard that Mr. X—— is suffering from typhoid fever, offers his services to the patient.' Or of a gentleman learned in the law who should advertise, 'Mr. C. D——, Q.C., will argue a case for 1*l.* 1*s.*, including consultation. Opinions from 10*s.* 6*d.*;' or, 'Mr. C. D——, Q.C., is a better advocate in patent cases than any other practitioner at the Bar, as he is the only one who knows anything about mechanics;' or of a solicitor who should advertise, 'Mr. E. F——, Solicitor. Attendance and consultation, 3*s.* 6*d.* Conveyances from 5*s.*'" That is a sort of thing which is degrading to a profession like ours, and we say that if a man desires to be a fellow of our institute, to have the hall-mark of our institute, he should, at any rate, conduct his business on reasonable professional lines.

517. But then, that you have power to deal with at the present time?—Quite so.

518. Because under your charter you have got power to control your own body, and you can admit persons, and only those persons, whom you consider to be the respectable people, qualified people, and get rid of those persons who, unfortunately, display want of respectability and ability, cannot you?—We can do that as regards fellows, but then the proposition is that everybody now in the register should, if he pleases, become a fellow of our institute, if our institute is to continue to keep the register and conduct the examinations,

Chairman—continued.

examinations; that is the proposition I understand. Then I reply to that, that we shall be glad to receive with open arms every reputable practitioner on the register.

519. Admit for the purpose of argument that it is desirable to have the register of patent agents, and that it is desirable as far as possible to have respectable and capable men on the register, admitting that for the sake of argument, how can you ask for that register to be handed over to you with full powers while you are not representative of the whole profession? How can you charge fees from the whole profession and apply them to your own purposes under those circumstances?—Because we are doing a work of very great advantage to every reputable member of the profession, and of very great public advantage, and the fees that we suggest should be paid to us are to cover the necessary outlay connected with that very important work.

520. But are not the people who are to pay the fees to have any voice in the institution to which they pay such fees?—I would say that: members of the legal profession who are not members of the Incorporated Law Society have no voice, I take it, in the management of that institution.

521. The Incorporated Law Society's duties are defined by statute, are they not?—Quite so; we seek to have ours defined by statute, so far as the register is concerned.

522. Yes; but the register which the Incorporated Law Society keeps is a register to which admission is gained by payment of a very small fee after the practitioner is admitted a solicitor by the courts of law?—Then he has to pay 10*l.* a year for his certificate.

523. That is to the Government?—Still he has to pay it.

524. You do not propose that your people should pay a similar fee to the Government, do you, to the Inland Revenue?—No, certainly not; we only propose that they should pay a reasonable fee to cover the necessary expenses.

525. You do not seem to appreciate the difficulty there is in handing over this profession to your institute when you are not prepared to open your doors to admit all the members of the profession?—We are prepared to open our doors in a very special way, as indicated in our Bill, in a way which would practically admit every practitioner who really ought to be on a properly purged register.

526. You propose to purge that register yourselves, do you not?—No, no, no. We do not propose to remove from that register anybody whose name is now on it; that would be done under our Bill by the Court when complaints arose.

527. There are only 60 or 70 of the patent agents on the register; therefore there are 200 men who are carrying on this business who are not members of your society?—There are, I think, about 73 or 74 who are members of our institute; there are in addition to those some 40 already who have signified their approval of the provisions of our Bill; and of the remaining (roughly speaking) 136, a good many are certainly persons that we feel quite satisfied this Committee would never suggest should be admitted into a body like ours, regard being had to its objects.

Chairman—continued.

528. Is not that always so in forming a register, and establishing a profession, if I may use such terms; you inevitably must take a certain number of people in the first instance whom you dislike, or do not believe in, and whom you would be glad to get rid of, but who are earning their living, and who cannot be deprived of the opportunity of earning their living?—Certainly; we should be the very last people in the world to desire to deprive them of that opportunity. We say, "Certainly, allow them to remain on the register as long as they conduct their business honestly."

529. But you exact fees from them, do you not, and do not give them any voice whatever in the management of your institution?—Certainly not; we say that we are willing that a perfectly independent committee (such as is indicated in our Bill) should decide whom we shall admit, and who are not fit to be admitted. We say that in that way every respectable and reasonably qualified practitioner who so desired would be admitted to our institute, and would receive the hall-mark of our institute; but if the alternative is to be the case, if the register is to be kept by a body elected by the whole of those who are now on the register, unqualified men some of them, disreputable persons some of them, as is capable of proof; if the register is to be kept by such a body, elected from all those on the register, then all I can say is that I shall be very much surprised if those practitioners who are looked upon now as respectable practitioners, will not hold themselves aloof.

530. But you see at the present time patent agents are very divided as a body; there are first the patent agents (some 60 or 70 in number) belonging to your institute?—Over 70.

531. Very well, over 70. Then there are a number of patent agents who form the Patent Agents' Society?—I should like to know how many, and who they are, and the dates of their election.

532. Then there is a gentleman who has been in communication with us, who states that he represents a number of other patent agents; we have now a communication to say that there is a committee of patent agents representing another body; and there are a number of other individual patent agents who are taking a great interest in this inquiry, and you are not at all agreed as to the course which should be adopted to constitute yourselves a profession and establish a governing body. You have got one Bill, the Society of Patent Agents have got another, and other people, I believe, are promoting Bills. Would it not have been more desirable for you to have communicated with one another in your own profession, and to have seen whether you could not have brought in a Bill which would have met the general wishes of the whole body of the profession. Have you done anything with a view to that?—We really do not know whom to communicate with. This so-called Society of Patent Agents has declined to give us information as to its constitution. We applied to the Board of Trade for information; the Board of Trade have endeavoured to ascertain who are the members of this society, but they have not been able to obtain any information about it. The position is this: to begin with, we have upwards of 70 Fellows of our institute, who I believe lodge approximately

Chairman—continued.

approximately 45 per cent. of all the complete specifications that are lodged. Then all the rest of the practitioners on the register put together only do, I think, approximately, 40 per cent., and 15 per cent. are done by applicants themselves. Now add to our 70 odd Fellows the 40 practitioners not belonging to the institute who have already signified their general approval of our Bill, and then, through the Patent Office, find out how much business the rest of the people, who call themselves patent agents, really do. Some of them may do a certain amount of business, but a man who once filed an application five years ago, and perhaps does two applications a year, I conceive, is hardly to be compared with one who lodges 400 or 500 applications a year.

533. Are we to take it that this Bill represents what your institution requires, and that you are not disposed to negotiate with a view to modify this Bill in such a way as to meet the wishes of other persons who are opposing you?—That Bill is submitted to Parliament as being what we believe to be a reasonable proposal, one in which we open our arms and say, "Now then, let a completely independent body determine who are the gentlemen on the register who ought to be hall-marked by fellowship of the institute." That is our proposition. We do not wish to keep our institute an exclusive body at all.

534. That is to say, you want Parliament to constitute an authority to form a register of patent agents, and then to entrust you with that register, and to authorise you to hold examinations and afterwards to admit to and keep the register?—Quite so.

535. That is what you want?—Quite so; admitting to our body such reputable practitioners as a quite independent committee—not composed mainly of patent agents—should consider eligible for admission to the institute, regard being had to the objects of the institute, which are generally to improve the status of the profession and to ensure that Fellows should be persons of good repute and a certain amount of experience.

Mr. *Bousfield.*

536. You are afraid, of course, that if you take in the whole of the other patent agents, the management of your institute—which you have been working at for some years—would practically pass out of your hands?—Not at all.

537. That, I take it, is one of your reasons for this Bill?—Not at all.

538. I thought I rather gathered that view from you, that you would be utterly swamped if you admitted them?—The register contains the names of utterly disreputable persons, and of persons of no qualification; for example, persons who may have got on simply because they once lodged a complete specification.

539. Pardon me, you did not quite see what I had in my mind. Assume that of the 200 who are at present outside your institution, there are 50 disreputable persons, and that the other 150 are reputable; of course, if you admitted that 150, there would be 150 still against the 70 that you are now, and practically the present institute would be in a minority on this body?—We raise no objection or precaution against that. I do not know if you have read our Bill?

540. Certainly I have?—We propose to

Mr. *Bousfield*—continued.

admit all these gentlemen, and we propose that an independent committee shall determine whether these gentlemen ought to be admitted; we do not seek to be the judges ourselves.

541. That you are prepared then to face, and you do not object to it?—No, we have got it in our Bill.

542. Your only desire is to keep out what I may call the black sheep of the profession?—The black sheep and incompetent people, people of no standing whatever. We are quite prepared to leave ourselves as to that in the hands of an impartial committee appointed in the way indicated by our Bill.

543. I want your view just shortly if you will give it me. Am I not right in saying that your desire is to admit all that you call the reputable members of the profession (the machinery is another question you know), keeping outside only those who are incompetent, and those who are dishonest or guilty of unprofessional conduct; that is your view is it not?—Quite so; those who would be proper and suitable members of a professional body, such as ours is, with the objects set forth in our charter.

544. Do you see your way to meeting a view which has been expressed by those who are outside, or an objection which has been expressed by them, that at present you act somewhat as a trade protection society; I mean from a business point of view as well as the point of view of competency?—I should like to understand more clearly what that question is directed to.

545. Well, there is of course the question of fees; the institute have certain recommendations, have they not?—Recommendations, yes.

546. I do not know whether you have put in a copy of those recommendations?—I have already read to the Committee an extract from a paper of mine on that subject.

547. Have you got a copy of the recommendations of the institute?—Yes, I have, I put that in. (*Handing in a document.*)

548. This is not what I mean. In cases in the past when members of the profession have made application to you for admission, they have been first of all asked, have they not, whether they would comply with certain recommendations, and if they did not give in their assent to those recommendations, you decline to receive them?—I know of no such case.

548*. Has not that been the practice?—I am not aware of any case of the kind. I may say that only three persons who have applied for admission were rejected, one by the council and two on the ballot.

549. My question was rather whether members of the institute did not decline to propose anyone who would not adhere to a certain document which is referred to as "recommendations"?—I have not declined to propose anyone myself, it would not be in my knowledge.

550. At all events, that is a complaint made, and I wanted to give you an opportunity of answering it?—Our Bill overcomes that difficulty, if it be one. Of course, in connection with charges, I have already pointed out to the Committee that we consider ourselves professional men, that inasmuch as the world would be astounded if gentlemen of your own learned profession,

Mr. *Bousfield*—continued.

fession, for instance, were to advertise that they would argue a case for a guinea ; so we, as professional men, think our business ought to be conducted on professional lines, and with a certain amount of dignity.

551. I think, for instance, for provisional protection you recommend a fee of five guineas?—No Fellow is really bound by that, and as a matter of fact, I myself frequently charge less than five guineas.

552. That is what I wanted to ask. You do not desire, then, in admitting all these who are now outside your body to your body, to impose upon them now, or in the future, any minimum scale of fees?—We never have done so, and have no such intention.

Mr. *Mather.*

553. It is the maximum, I suppose?—No, not the maximum. If I may point out to the Committee, when the Act of 1883 was passed, naturally the question arose, as the practice was altogether changed, what would be reasonable charges. Practitioners naturally desired to know what would be a charge, which, if made, would not be considered excessive ; and those charges were, after consideration by the council, indicated as charges which they recommended ; that is to say, it was felt that if those charges were made, they would not be excessive charges ; but from the beginning several members, even of the council, have not adhered strictly to those charges; in some cases they have charged below.

Mr. *Bousfield.*

554. You have not quite followed me. I am rather anxious to help you if I can, if you will not mind following me. I think you answer this, clearly : You do not desire to impose as an addition of membership, now, or at any time, adherence to a minimum scale of fees on the part of those who may become fellows of the institute?—No. As regards charges, we simply made the recommendation, that no fellow should insert in any public advertisements, quotations of prices for obtaining patents, or registering designs or trade marks.

555. I only want to put two or three questions, if you would not mind following me, shortly, I was coming to that directly. Then I am right on the first point, and you would not object, for instance, to a clause in the Bill which should prohibit you from imposing as a condition of membership any minimum scale of fees on the members?—I cannot conceive that there would be any objection to that.

556. I think that was your view?—As far as I am personally concerned, I would not object ; but, of course, it is not so much the charge ; the honourable gentleman must be perfectly aware that there have been advertisements, catch-penny advertisements—I have got one here—offering, although the Government fee is one pound, to protect an invention for one pound ; we know what that must mean.

557. Quite so. Now I want to come to the second point. I think you have already told the Committee that you do not desire to impose any condition. I think you have already given evi-

Mr. *Bousfield*—continued.

dence to the effect that, as regards advertising generally, your institute does not object to the advertising; in fact, some fellows of the institute do advertise?—Quite so. I was asked by the honourable chairman to put in (and I now do put in, as it may be useful to you) our recommendations with reference to advertisements. (*The document is handed in.*)

558. I gather that what you do object to is the advertising of prices below a certain scale?—Well, we object generally to advertising prices in the public prints, because it is grossly abused.

559. I want to ask you as a practical question : suppose, for instance, a patent agent advertises, "Provisional Protection, two to four guineas." From the point of view of the public, does it not strike you that that is a great convenience to inventors that they should know before they go to deal with an agent the sort of scale they have to rely upon?—If I saw a doctor or a barrister or a solicitor advertising on those lines I should avoid him.

560. You know that now there are a great number of inventors who draw their own specifications ; that is so, is it not?—That is so.

561. And I think you will agree with me (we have both had a good deal of experience in the matter) that it is greatly desirable that inventors should not draw their own specification, but should have competent advice in settling their specifications?—Quite so.

562. That you agree with?—Yes.

563. Now, is it not a fact that a man may have a matter to patent which he may think but small at the time, and he may not know what he may make of it; is it not a fact also that when considering whether he will do the work himself or whether he will go to a patent agent, he will take into account what he will have to pay for provisional protection, and that that will very often determine him as to whether he shall do it himself or whether he shall go to a patent agent?—That may be so; in which case he would write to any agent he chose to select from the register and ask what the cost would be.

564. Then we will assume that he gets the scale fee returned, five guineas; is it not the fact that he will probably immediately decide—or may in many cases decide—that he will not go to an agent at all?—He might, or he might try another agent and see if his fee was the same.

565. I quite follow your view, that when a person is advertising a ridiculously small price he is probably a fraud, and he is probably an incompetent man ; that is your view, is it not?—I think so ; and I think the advertising of prices is unprofessional altogether ; it is not practised by any profession that I am acquainted with ; it is altogether undignified.

566. You see, this differs somewhat, as I have pointed out to you, from the case of a doctor or a solicitor, or a barrister, because a man has to consider in this case whether he will do the thing for himself or whether he will go to a patent agent?—So, very often, has a man to decide whether he will doctor himself, or act as his own

Mr. *Bousfield*—continued.

solicitor (we know what is said about that), or whether he will argue his own case in a court of law (we know something about that also).

567. And then, probably, in the case of the doctor, the man who so decides will know perfectly well what the charges are, and he will know probably that he could even go to a dispensary and get some advice for sixpence, is not that so?—I never know what my doctor's bill is going to be until it comes in. I know that if you go to a dentist who advertises "extraction, with gas, 3*s.* 6*d*," or "a single tooth from 2*s.* 6*d.*," he may land you, if you have got the money, for perhaps 70*l.* before he has done with you.

568. Then I may take it that your view is this, that you desire to keep out of your institute every patent agent, however respectable he may be, who is in the habit of advertising the prices for which he does his work?—No. We should hope that those practitioners would become fellows of our institute, and would fall in with what we conceive to be a reasonable regulation for the privilege of fellowship of that which we regard as a professional body, a body of respectable practitioners, and men who, with very great respect, we do not think ought to be looked upon as beneath members of different branches of the law, or of other honourable professions.

569. Then your view is, substantially, that you do not desire to see, as members of your institute, any patent agents who insist upon their practice of advertising their prices?—I will not go so far as that. I should prefer that anyone joining our institute should endeavour to raise the professional status, and to conduct business on what we conceive, if I may respectfully say so, to be professional lines. I do not for one moment say that I should record my vote against, or should decline to propose as a fellow a gentleman that I believed to be a respectable and competent practitioner; I have never refused to propose any such gentleman, far from it; and far from endeavouring to make our institute in any way exclusive, I may say that there are fellows of our institute who are not even practising on their own account. I may say that, personally, I have always done my very best to assist on to the register and in to our institute those gentlemen whom I have conceived to be qualified, and who I thought might be assisted by either the one or the other.

570. I am sure you will give me an answer as directly as you can, because it is a little important. If an applicant for admission to the institute insists upon his right to advertise his prices in the future, as he has done in the past, do you regard that as a disqualification for admission to your institute?—Well, not broadly; I personally do not broadly; but if a person in the habit of advertising that he gets protection for an invention for one pound were to apply for admission, I for one should have to consider very seriously about voting for him. What we conceive is, that we do not like what we call "catch-penny" advertisements.

571. No, but that would rather tend to show, would it not, that the advertisement was not *bonâ fide*, because we know the fee itself is one pound?—Quite so.

572. But assuming that a person had been in the habit, let me say, of advertising "provisional protection from two to four guineas," we will say, and assuming that such a person had found it had been to his advantage in the past, and desired to go on in the future as he had done in the past, and insisted upon that; do you, or do you not, think it desirable to make a condition that he should be excluded from the institute?—I should have very grave doubts about anybody who advertised provisional protection for two guineas.

573. Let me put this to you: The stamp is a pound, is it not?—It is.

574. That would leave him 1*l.* 2*s.* in the case of a minimum fee as his remuneration, would it not? Now is it not a fact that in the case of many provisional specifications they are of the simplest possible character, and that half-a-dozen lines is sufficient for the specification; it may be a new paper fastener, a new penholder, or a new tobacco-pipe, and the specification could be written out in half-a-dozen lines. Do not you think that a fee of two guineas to a patent agent is a right fee to charge to do the work by a *bonâ fide* member, in the case of a specification of half-a-dozen lines?—It is the smallest fee we should have to pay to the least experienced junior counsel for settling a document after fully instructing him; he would not have, as the patent agent has, the documents to prepare, or to attend at the Patent Office to lodge the documents, or to deal with the matter before the Comptroller or anything else; I do not consider that 1*l.* 2*s.*, for a man who has been properly educated to his work, and is to be relied upon, is an adequate fee.

575. But in some cases, the case I have put, the simplest case, it might very well be junior counsel have a great deal more than that to do for a guinea sometimes, have not they?—I do not know. Sometimes I find that the simplest invention involves the most trouble.

576. Yes, very often; but what I ask you is this: Suppose a man has in the past advertised, and desires in the future to advertise, that his scale for provisional protection is from two to four guineas, or two to five guineas, or what not, the minimum of that man, do you think you ought to exclude such a person from the institute?—Well, I do not think that a man who descends to advertising provisional protection for two guineas, for the purpose of catching clients, should consider that he is acting on a professional basis; and our institute certainly aims at elevating the tone of the profession rather than lowering it. I wish to say quite frankly at once to the Committee that, so far as I am concerned and so far as I know the feeling of the council of the institute, we have no desire whatever to place any undue limitations upon charges, or in fact to place any limitations upon charges at all, and that we do not object to a clause preventing our interference with charges; but we do think it desirable not to lower the tone of the profession by advertising extremely low charges for the purpose of catching clients.

577. Now I will not trouble you much further; but do not you think that such a policy will have the effect of suppressing a considerable number of struggling young men, perfectly competent, doing a very small business, which they get, probably

Mr. *Bousfield*—continued.

probably, by advertising; do not you think that to make such a condition as that they should not advertise their fees in that way would probably have the effect of suppressing them?—Certainly not. We have not the slightest objection to their being on the register; we should never oppose their being on the register if they advertised, not even if they advertised to do it for 2½*d.*

578. What I want to point out to you is that there may be, perhaps, one patent agent in a district, say, of Lancashire or Yorkshire, a young man who is struggling to make his way, and in a big town near there may be two or three patent agents who have already established their business, while the only hope of the man who was struggling would be by advertising?—It is not like the case of the barrister or the solicitor, or any other people of that class, because he has to draw from a large district, and putting up a brass plate is of no use. Do not you think that the policy of preventing him from advertising his fees would tend to stamp out of existence a very large number of young and struggling men in your profession?—No; I had to struggle when I was a young man, and I never descended to that class of advertising; and I think that a capable man has not the remotest occasion to descend to that class of thing. That is my experience. My practice was small at one time; it is larger now than it was, but I did not abuse the profession by the practice of advertising to do things cheaper than everybody else.

579. I have put the point to you, I think, fairly; but you do not think that from that point of view your Institute should be, not merely the body which discharges the functions of keeping the register and taking fees from all patent agents, but should be at the same time a body to discharge the duties of a trade protection society as regards those who are members of the Institute themselves?—Not a "trade protection society;" I object to the use of the expression "trade." I liken our institute, for instance, to the College of Surgeons, the College of Physicians, the Incorporated Law Society, or any other body of professional men who require as a reasonable condition of membership that a person belonging to the body should carry on business in a professional way, on professional lines, not as if he were a draper.

580. I ask you to look at the special condition of this business; one man cannot live by the work which he gets in the town (in the country) in which he lives among those who know him, but that he must draw his support, if he is to make a living, from a considerable district round, where he can only be known by advertising, and can only hope to get work by advertising prices. Does not that seem to you to make an essential difference between this profession and the others to which you have referred?—I think not, because he may advertise, and he may say that his prices can be had on application.

Mr. *Mather.*

581. You are the President of the Patent Agents Institute; can you tell us how long it is since that Institute was founded?—It was founded in 1882.

Mr. *Mather*—continued.

582. Was it founded to perform the functions of a social club, or a club in any sense of the word?—Not at all.

583. Was the object of the Institution for the purpose of increasing the intercourse between members of the profession?—Increasing their intercourse for the purpose of exchanging ideas and information on matters relating to their profession, and for the general convenience of practitioners in carrying on their business.

584. Do you consider that since the time of its foundation up to the present hour its chief function has been that of education in all those questions which bear upon the profession of a patent agent?—Yes; education, and also the promotion of improvements in the patent law, and in the practice of the patent law.

585. Apart from the mere fact of your interchanging views as to the proceedings of your profession, and your relations to the Comptroller of Patents and the Patent Office generally, could you call your Institution in any sense of the word a scientific institution?—Scientific.

586. Yes?—Well, it is scientific in the sense that we require a very large amount of scientific knowledge; the more we possess, the better qualified are we to act as patent agents.

587. That is not quite an answer to my question; I will put it in another way: do the members of your Institution, when they meet in session (as I presume they do during the winter), discuss questions apart from the mere technicalities of their business?—None whatever; all the questions discussed and the papers read, as our Transactions will show, are in relation to patent law and patent practice at home and abroad.

588. Is it a fact that the patent agents in the United Kingdom have responsibilities cast upon them by the conditions of our patent law of a higher kind than have the patent agents of America or of Germany?—Well, I should say greater than those in many countries. As regards America, I conceive that it is important that the patent agent should be a qualified man, and the American Patent Office rules rather indicate that, because the interference with the documents which takes place in America is apt to have the most grave consequences upon the interests of the inventor and patentee.

589. Is it not a fact that in America, and also in Germany, the so called court of examiners (putting it briefly, the Patent Offices of those two countries) take upon themselves far greater responsibility as to the novelty of the patent than does the Patent Office in England?—It is.

590. As a matter of fact, the English patent law admits almost any kind of an application from anybody, does it not?—It does.

591. The "Comptroller" is a sort of euphemistic term, is it not; he controls the officials, but does not really control the applicants for patents in the sense of preventing them from taking out something which has been patented before?—No; under the Act of 1883 a practice has sprung up which is very misleading to inventors, a practice which leads them to imagine that, because, perhaps, certain amendments are asked for and made, and the documents are then accepted, therefore

Mr. *Mather*—continued.

therefore their specifications are necessarily good. I have frequently taken occasion to point out that in that way by our present law and practice inventors are grossly deceived.

592. From your experience would you be prepared to declare in this room seriously that all the duties connected with the patent agents in this country are becoming more onerous and more difficult to perform; that a wider range of knowledge is required, and higher intelligence, in regard not only to one branch of science, but almost to every branch of applied science, and seeing that an applicant for a patent cannot possibly depend upon himself for putting his ideas in proper language for making a valid patent, he must depend either upon examiners in the Patent Office putting him right, or upon some agent whose knowledge of the law, and whose knowledge generally of manfacturing affairs, would enable him to put those ideas in the best possible form?—He must undoubtedly have for his protection competent advice. He requires advice such as an examiner is never in a position to give him.

593. That is not the point of my question; I asked whether, from your own experience, you could testify to the Committee that there is an increasing responsibility placed upon patent agents in England?—Undoubtedly.

594. First of all, for the reasons I have just now named in my former question, and also, I may add, on account of the greater number of patents being applied for, and the wider range of subjects that now come under the notice of the public, and upon which patents are from time to time granted?—Yes.

595. Therefore the status of a patent agent, both as to experience and general intelligence, is one that is becoming increasingly important?—It is.

596. And in your opinion (of course you naturally speak for your profession, and, therefore, I am anticipating an affirmative reply; I only put it in this form in order that honourable Members of the Committee may see the drift of my observations), does it not appear to you, in the interest of the public, that is in the interests of those who are applying for patents, the inventing public, that an increasing amount of care, skill, and attention should be paid by a highly-trained person to this work, in order that the inventor's ideas, if they are original or novel, should be placed in such a form in his specification as to withstand an attack or infringement of any kind?—Undoubtedly.

597. Well, I have had some experience as representing the public; I suppose it has been my misfortune to take out a patent every year for the last 25 years, directly, and I have assisted many others to do the same; my experience is that it is extremely difficult nowadays for a private person to draw a specification; I have had some experience, but I could not venture under any circumstances to draw a specification for myself, nor would I advise any member of the public, like myself, to go to any person but an experienced patent agent to put his ideas into form; do you think from that point of view that the education of patent agents is rising to the public necessities, and that you are by your institution encouraging a number of young men to join the patent agents' profession, in order that the public may be better served in this respect, by the skill, the knowledge, and the experience of the special kind that he would require to use as an inventor?—Yes; to use as a patent agent you mean.

598. No; that the inventor will require to use in employing an agent?—Yes.

599. The work of your Institution therefore, I presume, is tending altogether to give facilities; and one of the objects of your Institution is to give facilities to young men of suitable education to join the profession, and to learn their profession during the seven years training, which I think your Institute considers necessary for a complete education in the profession. Your Institute, I understand, is promoting in every way it possibly can the careers of these young men?—It is; but it does not require seven years pupilage; seven years spent as assistant in the office of a patent agent, even as paid assistant, entitles a person to present himself for examination.

Chairman.

600. As clerk?—Well, as professional assistant, for instance; I have people who have been in my office 20 years, I daresay, who would certainly not be competent patent agents, because, as I employ some 20 or 30 people, there are different departments in the office; some would be competent and some would not.

Mr. *Mather.*

601. But whether they would be persons of age, and over age, who gave their majorities to the work, or whatever they may be as regards age and length of service in the profession, I understand from you that your Institute does promote in every way it can the advent into the profession of men qualified to become patent agents, when they have passed through a certain training and undergone your examinations. Is that so?—It does.

602. That is one of the distinct objects of the Institute, is it not?—It is.

603. Were you approached by the Board of Trade (being an Institute of this character in existence and promoting the interests of your profession by training and encouraging requisite knowledge amongst your members), when the Act of 1888 was passed and asked whether you would undertake this examination previous to registration on their account?—We were.

604. You did not solicit the position yourselves?—No.

605. You helped, I understand, to promote the Bill of 1888?—Yes; well, that Bill was brought in by the Government of the day on the report of a departmental committee.

606. That is not my question; did you help to promote the Government Bill of 1888, which has now become the Act?—We were in favour of that.

607. You were not parties to the Bill directly, were you?—We were not parties to the Bill, but we were in favour of it.

608. When the Bill passed into law, did the Board of Trade come to you as an Institute, and ask

Mr. *Mather*—continued.

ask you to undertake the duties which Parliament had placed upon them to perform?—Yes.

609. Such duties being set forth in Clause 1 of the Bill?—Yes.

610. They come to you as representing, I presume, the whole Society of Patent Agents for the United Kingdom?—Yes.

611. And you, at their request, undertook these duties?—Yes.

612. I presume they placed in their instructions or rules before you this one consideration; that you should charge three guineas per annum for all the agents you registered?—Yes.

613. This was not your own act and deed at all, was it?—No.

614. It was the act and deed of the Board of Trade?—It was the act and deed of the Board of Trade.

615. You have simply been carrying out to the present time, or up to the time when the case of Lockwood came up, to which you have referred, the wishes of the Board of Trade?—Yes, and at great cost of extremely valuable time.

616. The time that the members of your Institute give to the carrying out of this work of the Board of Trade, you do not, I presume, charge for in the way of a regular fee?—No; the only fees paid are to the examiners.

617. What do you do with the money left over from the three guineas, because if you have now 200 members on the register, and they are paying three guineas per annum each, you have an income of 700*l.*?—At the present all the fees are paid to a suspense account.

618. I know they are at the present time, because there is a dispute about it in the case of Lockwood; but previous to the case of Lockwood coming up, how many years had you been acting according to the instructions of the Board of Trade, without any objection been offered by persons in the profession, either registered or unregistered, as to the payment of fees; I am not asking you to say to a month or two, but just give an idea?—Roughly, about three years I think.

619. Then you propose, I understand, by the Bill which you are now promoting, simply to embody in an Act called "The Patent Agents Act," somewhat elaborated, the first clause of the original Bill of 1888?—Yes.

620. The Chairman read out, if you remember, a little while ago, the first clause of the Bill you are promoting, and seemed to think that this clause was a very drastic clause. In your opinion, does it differ, except in phraseolology, from all that is contained in Clause 1 of the Bill of 1888?—No; excepting that instead of the very narrow designation of "patent agent," it includes other designations, calculated to imply that a man is a patent agent.

621. I see no distinction myself between the clause in the Bill of 1888 and this clause of the Bill you are now promoting?—May I take this opportunity of mentioning to the Committee what I ought to have mentioned before, that is, that the Incorporated Law Society have been in conference with us on this Bill, and certain modifications which are indicated in the copy I will now put in, are proposed by our Institute,

Mr. *Mather*—continued.

because we feel that solicitors undergo an examination which is, in a large measure, a guarantee of qualification, especially as I believe at the present time questions in patent law are also being put by the Incorporated Law Society, and it is proposed, therefore, to leave the solicitors where they are, altering our Bill, so as, by Section 30, to repeal only Sub-sections 2 and 3 of Section 1 of the Act of 1888; so that Section 1 of the Act of 1888 will continue in force as regards the use of the description "patent agent," and solicitors will continue subject to that; but in other respects solicitors will not come under an Act based upon our Bill; solicitors would be left where they are.

Chairman.

622. That is to say, a solicitor can do patent work, but he would not be allowed to call himself a "patent agent"?—Quite so; because a solicitor is under efficient control now, and can be struck off the Roll of Solicitors, and thereupon would cease to be in a position to do patent work.

623. Would you allow him to go further and describe himself as a "patent agent" in conjunction with his qualification as solicitor, say, "Solicitor and Patent Agent"?—The solicitors do not ask for that at all. We are agreed on those amendments.

624. You have met the representatives of the Incorporated Law Society?—We have.

625. And you have come to terms with them as to alterations in the Bill?—As to the specific alterations indicated in that copy which I have handed in.

626. You have satisfied them?—Quite so.

Mr. *Mather.*

627. Have you found, in your experience since the improvements in the Patent Act of 1888, the number of applications increasing very much, especially from the poorer classes, from the working classes?—Yes; there is a large increase in the number of applications.

628. From that class; I mean from the working classes?—Yes; I find a large number from working people.

629-30. It from time to time happens, I presume; in the practice of your profession, or in the practice of some of your colleagues, that persons apply for patents, especially from the working classes, who have very little knowledge of what has gone before, and who may have given themselves, already, a great deal of trouble, and incurred, what, for them, would probably mean a great deal of expense, to bring up their ideas to the stage at which they present them to you. Has that occurred in your experience, or in the experience of any other patent agent you know; in fact, let me put it in this way: If a man has something that he wishes to patent, but which is not patentable, and he takes it to a professional gentleman in practice to-day, can you say whether such an applicant would be advised by his patent agent, that he had not the subject matter for a patent, or that it had been forestalled, or that there was no novelty in it; would that be the form of advice he would get from the

Mr. *Mather*—continued.

the patent agent to begin with, or would the agent simply receive from him certain ideas, put them into form, and give him no further advice on the matter?—It would depend very much on the agent. A practitioner of repute would advise the inventor, and, as a matter of practice, it is a constant thing to advise the inventor, that it is not worth while to spend his money, that he has not got a patentable subject matter, or even if he has, that he had better consider how he is going to turn the thing to account before incurring expense.

631. I do not think you have quite grasped my question?—But as to some practitioners, there has been evidence afforded (and that is the sort of thing the register is designed to guard against) that some of these "Patent agents" get unfortunate men into their clutches.

632. I do not ask you that; I will confine my question, if you like, to the members of your Institute, or to what you may call, the reputable members of your profession?—I do not want you to confine it to the Institute.

633. I will confine it then to the recognised and well-established members of your profession who have already important reputations to maintain. Is it the custom, or is it in the spirit of the profession to let applicants come, especially from the working classes, and present ideas, which, on the face of them, to an experienced patent agent, knowing a great deal more than the inventor himself, and knowing that this idea has been already forestalled, or of something existing, which would prevent it ever becoming a valid patent; is it customary and understood amongst you, that the advice of the agent should be honestly given straight away, and that that unfortunate applicant should be told that he has not got matter for a patent, and, therefore, should be discouraged from proceeding further, or incurring any further expense?—It is.

634–5. Because it appears to me that if you desire to make a claim through this Bill, to be constituted to some extent a close profession, or an exclusive profession, the public has a right to demand that you shall protect the public, that this privilege, so granted, shall be for the benefit of the public, in protecting a large number, especially of ignorant persons, who apply nowadays, since the Patent Law is altered, and the cost of a patent is so much reduced. It is specially important that the working classes should be protected by men of skill and intelligence and great honesty, men who would prevent them spending money when the subject of their desired patent, is that which cannot become a valid property for themselves afterwards?—I can quite say that that is the practice of reputable practitioners, both those belonging to the Institute, and those not belonging to the Institute.

636. I had a case of that kind the other day. I was sending up a workman to take out a patent intending to assist him to the extent of getting Provisional Protection; and the patent agent wrote to him to say that the matter was not a patentable matter, that it would not be a valid patent, and declined to encourage the man to go forward. I considered that a very highly creditable transaction, and if the profession is known, throughout its length and breadth, to act in that way, then I say, it is a profession which will become equal to any of the most honourable professions, the close professions in the country; and I desire you, as president of the Institute, and, therefore, speaking for the profession, to answer this question; can you tell the Committee, that it is the spirit now of those who are promoting this Bill. the members of your institute, that you shall act throughout the profession in that way, that all those you elect to your institute, and those in fact whom you will register, if this Bill passes, shall be men who will generally act, if not universally, in that spirit?—That undoubtedly is the aim, and, as I say it is the practice of all I know in the Institute, and of many, I may say, who do not belong to the institute; it is the practice of any honourable patent agent.

637. You have been asked by my honourable friend, Mr. Bousfield, whether the membership of your Institute is open to all those whom you have examined, and will examine in the future, and to whom you have given your certificate as duly qualified and registered patent agents; is the membership of your Institute open to them?—The membership of our Institute; it has been practically, where a man has passed our examination.

638. Let me put it in another way. Is there on the part of every patent agent after being examined by your examiner, and certified to be competent, a *primâ facie* case established that he is entitled to become a member of your Institute, on conforming to your rules and regulations?—There is no bye-law to that effect, but the practice has been to admit him, if the application be made in the ordinary way. For the moment we are without bye-laws under our Charter, because we are awaiting the action of the Privy Council, but that has been the practice, and is, undoubtedly, the intention.

639. So far as you know, speaking for the Institute, supposing your Bill, or the substance of it, became law, would there be any objection to have such amendments made as would give the fund to the whole body of registered patent agents, the body created by yourselves, because you have examined them, and therefore certificated them; would you have any objection to the funds to which the annual fees may amount, being, in some measure, used for the whole profession, not exclusively for the benefit of the members of the Institute?—I desire to say, that as a matter of fact, we have not spent any of those fees which have been received for being placed on the register, for any of the purposes of the Institute; we have not expended any. All that we have spent has been expended in connection with the keeping of the register, and the examinations, and so forth, matters purely in connection with the register.

640. What have you done with the surplus then?—The surplus is there.

641. Where?—It is in our keeping.

642. Whose keeping?—The Institute has got it.

643. Does the Institute intend to hoard that money?

Mr. *Mather*—continued.

money?—I cannot say what the expense connected with the register may be.

644. I am rather pressing this point, because as I understand it, one of the chief obstacles to your Bill being accepted universally by the profession (and possibly it might be an obstacle to having it received in this House) is, that certain sums of money are paid, and substantial sums for admission—three guineas a year, for the annual certificate is a considerable amount, I should say, in your profession; but the objection is, that this sum passes straight away from the hands of the duly qualified registered, skilful, competent, patent agents, whom you yourselves created by giving them their certificates, and certifying that they are in all ways competent. The fund which they give to you annually is spent, it is said—or rather, it is kept—by the Institute alone; and, so far as this Bill goes, there is nothing to indicate to us that you intend to do anything with this money for the benefit of the profession as a whole, except keeping up your examinations from year to year, and paying the current expenses of registration. The amount of money you charge is too much per annum to spend in that manner. The question then comes in: Are you prepared, either to modify your fees by the consent of the Board of Trade, or are you prepared to open the fund for some general beneficial purpose for all the patent agents, duly registered, under your examination?—I feel quite sure that the Institute would have no objection to any provision which would deal with any surplus derived from examination and registration fees. The Institute, I feel sure, has no desire to make any profit out of that transaction, and, therefore, any provisions which might commend themselves to this Committee, or to Parliament, with reference to any surplus fees, I feel quite sure would meet with the approval of the Institute.

645. Then we may take it that you, as President of the Institute, now say that in the proceedings that may follow our meeting here on this question, the Bill might be so altered by this Committee or by Parliament, as to at once settle the question as to the destination of those annual fees?—I think so.

646. Beyond the actual amount required to pay your examiners?—To keep the register, and to do all necessary things connected with the register, and with proceedings before the courts and so on, in connection with the register.

Chairman.

647. Would you have any objection to letting us know how the money has been applied in the past?—I cannot do that at the present moment. The Registrar will make a note of it.

648. I do not know that we will put it on the notes, but for the information of the members of this Committee, they would like to see your accounts?—Yes.

Mr. *Mather.*

649. May I ask, in reference to Clause 6 of this Bill which you are promoting, are you also determined to stand by the sub-section 1: "It shall not be lawful for the Comptroller General to receive any document relating to an application for a patent or to the amendment of any specification, if such document be signed by any person or persons other than the applicant or applicants, or a registered patent agent"?—If I may just say one word in explanation; we conceive that that is the only way of really protecting the public. We do not seek for a moment to interfere with solicitors, or with the applicant who desires to apply direct for his own patent; he can sign his papers and he can communicate with the Patent Office, and so forth; but if the door be open to people who are not either solicitors or on the register to practise as patent agents, the door is at once open to fraud.

650. Will you just allow me to put it so that you may see my point in reference to this section; it came out in evidence when Mr. Hopwood, from the Board of Trade, was under examination, that persons living in the country, who were determined to make their own applications for patents, which you admit you will not object to, sometimes employed in London an agent, any man, not even a business person, merely to convey a letter or to deposit some information at the Patent Office, someone who had no knowledge whatever of the business itself, and was not acting in any sense of the word as a "patent agent"; would this section, one of clause 6, as you interpret it, be interpreted to this extent, that no living person could approach the Patent Office, for any purpose whatsoever, in the name of the applicant, or for an applicant, who was not a solicitor, a solicitor's agent, or a registered patent agent, even if he did not come in connection with technical points referring to the application for, and obtaining of the patent?—This is as to the signing of communications. I would point out that it is open to the applicant to communicate freely with the Patent Office, and to send all communications to the Patent Office. We do not seek to prevent a messenger taking a communication to the Patent Office, but we feel that if you once say that a person calling himself a friend, and so on, may practically act as a patent agent, it would only be a door opened for unscrupulous persons to evade the law.

Chairman.

651. The most disreputable class of persons would evade the law, you think, by that means?—Perfectly so: we do not wish in any way to interfere with the applicant being perfectly free to do without professional assistance, and to avoid the payment of fees.

Mr. *Mather.*

652. Then you would not object to having this amended to specify more clearly what you mean. It says, "to receive any document relating to an application." Well, of course, a letter might be delivered by a person, relating to an application, but that you would not consider a document?—If any "document" be signed by any person other than the applicant, such person becomes an agent. There is no reason

Mr. *Mather*—continued.

why an applicant should not sign a document himself; he can transmit everything to the office.

653. Suppose he were to get some one to address the Comptroller General and say: "Will you inform me so-and-so," or "Will you tell me when so-and-so will be passed and settled," or would you call that such a document as is here referred to?—I do not think the Comptroller General, unless that person was authorised to act as agent, would give the information.

654. Would give the information?—No, it would depend on what it might be about.

Chairman.

655. There would be great objection to the Comptroller General giving information as to the progress of a patent, would there not?—Of course.

Chairman—continued.

Mr. *Mather.*

656. By this you mean that any person making inquiries of the Patent Office would come under this clause, and therefore would be excluded, if your Bill passes, from taking upon himself any such duty?—I think so; because he must be a person authorised, to the satisfaction of the Comptroller, and therefore an agent.

657. I take it you desire that the clause should stand as it is?—Yes, it has been carefully considered.

Thursday, 24*th May* 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.	Sir John Leng.
Mr. Bousfield.	Mr. Mather.
Mr. Alban Gibbs.	Mr. Warmington.

MR. BOLTON, IN THE CHAIR.

Mr. WILLIAM LLOYD WISE, re-called; and further Examined.

Sir *John Leng*.

658. SINCE the Committee last met I have had the pleasure of reading your opening address, given in November 1891. You were president of the Institute at that time; have you continued in that office until now?—I have.

659. Having regard to the important position which you hold in connection with the Chartered Institute, and as a leading promoter of this Bill, I hope you will not consider it uncomplimentary if I go over the evidence you gave to us, perhaps in more detail than may be necessary in the case of other witnesses. I wish specially to refer to your system of examinations, the restrictions contemplated by the Bill, the fees charged and to be charged, and the action of the Chartered Institute. Early in your examination you gave the Committee a statement of the encyclopœdic range of the examinations for candidates who desire to be placed on the Register of Patent Agents. I presume that no such examinations were required before the establishment of the Institute?—No.

660. Although you hold, and have held for some years, the position of president, you have not yourself, I presume, passed through such an examination?—I have not.

661. I observe, however, that you are one of the examiners who set the papers for those who come before you for examination?—I was an examiner at one examination.

662. You stated at our last meeting that the examinations were not oral, but that they are in writing. Now I observe, from the notice published in the illustrated official journal with regard to these examinations, that there are certain conditions, one of which is that "the candidate must send his name and address to the registrar, with the prescribed fee of two guineas, and furnish proof, including a statutory declaration, satisfactory to the registrar, that such candidate has been, for at least seven consecutive years, continuously engaged as a pupil or assistant to one or more registered patent agents"; do you not consider seven years in these times rather a long period to require?—I think not. That only applies to a candidate who has not passed some preliminary examination that is accepted.

663. But there are cases of young men who have served a certain number of years, not seven years, but a shorter term of years, as pupils or assistants. I have heard for instance of the case of a young man who was four and a-half years assistant to a patent agent, and who, when that time had expired, went into the office of a trade mark agent, and was in that office for a longer period than necessary to complete his seven years, and when he applied for admission to the register, or in fact for liberty to be examined, the registrar declined to admit him to be examined, and it was only when, almost at the twelfth hour, he appealed to the Board of Trade, that he was permitted to subject himself to examination?—It was not by the action of the Board of Trade at all. In that case the institute was necessarily controlled by the rules. The Registrar, by direction of the institute, took absolutely independent legal advice, it being the desire of the institute to act as liberally as was possible, regard being had to the rules, and, as it was found from that independent advice that the case might be reasonably regarded as coming within the rules, it was with very great pleasure that the registrar admitted that candidate to examination.

Sir *John Leng*—continued.

664. But is it not the fact that within twenty-four hours of the expiry of the time for notice of examination he had not received that intimation from the registrar, and that in point of fact he did appeal to the Board of Trade?—My recollection is not clear regarding the appeal to the Board of Trade, but my recollection is clear upon this point, that some time was necessarily taken up in the preparation of an unbiassed statement of the actual facts of the case and in obtaining reliable and entirely independent advice for our guidance in dealing with that case; and that would account for the delay. I may add that supplemental facts were brought forward by the candidate, and it was not on the bare facts originally submitted by the candidate that he was admitted to examination.

665. There was another case of which I have been informed and know, that of a young man who had spent some years in a patent agent's office who thought it would be beneficial to him, in view of the future career that he had marked out for himself, if he went for some time into an engineering establishment; I think it was in connection with torpedoes. He went into that establishment and when he applied to be permitted to be examined he also was refused?—That was a case in which the registrar likewise took advice from

Sir *John Leng*—continued.

from the same source on a perfectly bare statement of the facts, and the registrar was advised, if my recollection serves me aright, that that was a case that did not come within the rules, and of course it was not within the power of the council to do anything antagonistic to the rules. I may say with regard to the period of seven years, that whilst on the one hand that is a matter of detail as to which Parliament might see fit to make some modification, at the same time, having devoted some thirty-seven years of my life to patent agency work day after day, I myself know how far I feel that my own knowledge falls short of what I could desire to possess as a patent agent; and therefore I do not think that the period of seven years is an excessive one.

666. I am afraid that it is a common feeling that whatever eminence men may attain they are concious of their own defects. Do you not think it would be well to allow time in any good engineering, electrical, textile, or chemical establishments served by a candidate, to count at all events to the extent, say, of one or two years, with a view to the candidates qualification for examination?—Within reasonable limits my personal opinion would be in favour of that course, and that opinion was expressed in a paper that I read in 1885 to the institute, of which I propose to put in a copy for the information of this Committee. Of course I say "within reasonable limits," because naturally it is extremely important that a person should have had very considerable opportunities of acquiring practically knowledge of the practice of patent law as distinguished from the scientific and technical branches that necessarily come in.

667. But the tendency in all professions and businesses now is rather for men to specialise, is it not, to take up a certain branch; and it is conceivable that a man intending to become a patent agent might desire to devote his attention more particularly to one particular branch of patent business; with that view I understand you would not in principle object, within the limits to which you have referred, to what I have suggested?—I would not object to a certain portion of the time out of the seven years being spent in some establishment where technical knowledge could be acquired.

668. The examinations appear to extend over five days, with morning and afternoon sittings of three hours each, making altogether 30 hours under examination; that is so, is it not?—Yes, I believe so.

669. I believe one of the rules is, that candidates are forbidden to bring either books or papers into the examination room?—That is the ordinary rule, of course.

670. That is no doubt very proper; to use the common phrase, each candidate must answer out of his own head the questions put to him, which he sees, I presume for the first time after he enters the room, without the aid of books of reference or any other assistance of that kind?—In any examination, that is the case of course; but it does not follow that the candidate must necessarily correctly answer all the questions put to him. I would point to the very large proportion of the candidates who have been successful at the examinations.

671. I think eight passed out of nine at the last examination; I shall have something to say about that presently?—Yes.

672. I observe you have four heads of examination; (1) Patent Law (in which Mr. Cutler, barrister-at-law, was the examiner); (2) Patent Practice and Procedure; Preparation and Interpretation of Patent Documents (in which you on the last occasion were the examiner; and (3) Physical Science and its applications to the Arts and Manufactures, in which Professor Henry Robinson was the examiner. I would for a moment refer to the first three of those examinations; I have before me the examination papers for November 1893. Nothing occurs to me to remark on examination paper No. 1, which seems to be sufficiently elementary, and one which anyone preparing for this business ought to be competent to answer, but I observe in the second paper, which a candidate would have to answer, there are 15 questions, to 12 of which he must reply within the three hours. Question No. 5 is in these terms. "In which of the following countries must payment be made" (that involves no doubt a variety of amounts), "and at what periods" (involving no doubt a variety of dates), "in order to maintain a patent after it has been issued: United States, France, Italy, Austria, India, Germany, Canada, Denmark, Russia, Western Australia." A young man is expected, as I understand, to give all those details as to the sums and dates for patents relating to ten different countries; do you consider that reasonable to expect from a young man?—To begin with, I should say if he had been spending his time for some years in a patent agent's office he would probably be able to answer those questions accurately, especially as he would have been preparing for his examination, and would have been refreshing his memory by reading up; in the next place, supposing he made a slip as to one or two countries, it does not follow at all that he would fail to pass in that paper, I think those questions are very reasonable questions; I I do not think there would be any difficulty on the part of a candidate who had just been refreshing his memory, and had been preparing for examination, and had been in a patent agent's office. He is not asked to state the amounts.

673. I suppose you would give the same answer with regard to question 9: "Explain the provisions (if any) as to working of a patented invention in Belgium, France, India, New South Wales, Spain, Sweden, and Victoria respectively"?—I should give the same answer. These questions may seem difficult to you, but they would not appear difficult to a person who is day by day engaged in the office of a patent agent. I may add that the paper from which you are quoting is an optional paper. Supposing a candidate failed to pass that paper, he would not necessarily fail altogether.

674. It is not necessary that every candidate who presents himself shall have been for seven years in a patent agent's office, I understand; you do not restrict it to that?—We do not; but still a candidate is supposed to have read up the laws. Nevertheless, that is an optional paper, for the purpose rather of testing the candidate's knowledge as a patent agent. That is not a paper on which he would be "plucked."

675. Then there are other questions requiring special knowledge with regard to special countries;

Sir *John Leng*—continued.

countries; however, I will not proceed further with regard to that examination paper. Now I am very much struck by the examination paper, No. 3, on Manufactures, in which Professor Henry Robinson is the examiner, and I should like these questions to go upon the Notes. The earlier questions relate to chemistry: (1) "From what is ammoniacal liquor chiefly obtained? Describe the process. (2) Explain the principal conditions that require to be observed in dyeing and calico printing. (3) What dyes are obtained from the distillation of coal, and how are they obtained?" Then we come to questions requiring a knowledge of metals and metallurgy: (4) How can the phosphorus in inferior iron ores be removed? Describe the process for manufacturing steel direct from the ore. (5) How is gun cotton manufactured? (6) Describe the manufacture of glass, explaining how common window glass, plate glass, crown glass, flint and toughened glass are made. (7) Describe a mode of manufacturing corrugated boiler flues. (8) Describe the manufacture of pile fabrics. (9) Specify the earths that are employed in, and their manipulation in, the production of fine pottery and porcelain wares. (10) Describe the manufacture of Portland cement. (11) How is water-mark in paper produced? (12) Describe the manufacture of an electric arc lamp, giving sketches explanatory of the parts and their adjustments. (13) How is the refinement of sugar effected?" Now I would inquire whether it is really fair to expect any young man, however well he may have read up the subject, unless he has gone through that most objectional system of detailed cramming, to be able within three hours to give details with respect to such a variety of manufactures as are contained in that paper?—If I may be permitted to make the suggestion, I think your view of that paper is hardly the view that has been taken by the examiners. You see that paper embraces a very considerable variety of subjects, so that it gives a candidate a fair chance of finding subjects in it with which he is acquainted; and that the paper is not an unreasonable one is abundantly proved by the fact that at that examination I think eight candidates passed out of nine.

676. Then, I presume, the candidate selected those subjects with which he was acquainted, and his answers to such questions as he was acquainted with were held to be satisfactory?—I am not able to say; because the examiner in that case was Professor Robinson, and he alone would be the judge as to the answers to that paper.

Mr. *Bousfield.*

676*. Have you the notice which was issued to the students before that examination, as to the subjects on which they would be examined?—I think Sir John Leng has the form of notice before him.

Sir *John Leng.*

677. The 10 subjects are mentioned, in one of which Mr. Wise was the examiner on this occasion; five of them are considered necessary for a candidate to satisfy the examiner in, and five are optional. I will not trouble you to go over

Sir *John Leng*—continued.

the other papers. May I remind you that Lord Herschell's Committee thought that "it would be a public advantage to provide a means of securing a roll of patent agents consisting of duly qualified persons, the admission to which should be possible and easy for all persons so qualified;" do you consider that your examinations make it easy for persons of ordinary qualification to be admitted to the register?—I do; and I think that is proved, as I said before, by the proportion of those passing. Out of the total of 28 who from the very beginning have been candidates no less than 22 have passed.

678. But can you explain how it is that, in these days when so many young men are pressing into the various professions, and when it is so difficult to find an opening, the number should be so limited that in the course of five years you have only 28 offering themselves for examination?—Roughly speaking that represents considerably over 10 per cent. addition to the whole of those previously on the register.

679. Having in view the very large number of applications made to the Patent Office every year, is not the number on the register itself limited?—I do not think that regard being had to the number of cases, it is limited. A considerable proportion, some 15 per cent. of the completed cases, go direct without the intervention of an agent.

680. Is it not possible that the severity of your examinations may deter even capable young men from offering themselves; will not the fact that they have to sit six hours five days in the week to go through such a range of subjects as indicated in these examination papers make young men think once or twice before they offer themselves for examination?—I should hope every young man would think once or twice before offering himself for an examination to qualify himself for any profession; but I do not think our examination is so severe as those that have to be passed by gentlemen desiring admission to the roll of solicitors, or those qualifying as physicians or as surgeons; I think our examinations are much simpler than those would be.

681. You referred to the case of Lockwood; I rather understood you to imply that that was the only case in which objection had been made to the position which the Chartered Institute takes in connection with the register; I presume you are acquainted with Fanta's case?—Yes.

682. I have here the official report of the case in the High Court of Justice, Queen's Bench Division, before Mr. Justice Hawkins and Mr. Justice Collins, 17th February 1892. The specification was signed, "F. Fanta, Agent for Applicant." "F. Fanta was duly authorised by Dr. Luhmann, and lodged a proper authorisation at the Patent Office in the usual form. F. Fanta was not registered as a patent agent. F. Fanta was summoned before a magistrate for unlawfully and knowingly describing himself as a patent agent, in contravention of the Act of 1888, the prosecution being instituted on behalf of the Institute of Patent Agents, by Mr. Graham, the Registrar of such Institute. The magistrate dismissed the summons, but stated a case for the opinion of the Court, and the matter came before

Sir *John Leng*—continued.

a Divisional Court, consisting of Hawkins, J. and Collins, J., on the 17th February 1892. Witt, for the prosecution, stated that the short point was whether or not the respondent, by describing himself in this application as agent for Dr. Luhmann, was really describing himself as a patent agent so as to come within the mischief of the Statute. He submitted that he was, and that the magistrate was wrong in dismissing the summons. Isaac, for F. Fanta, contended that he had only described himself as what he, in fact, was, the duly authorised agent of Dr. Luhmann, and that the comptroller had recognised his authority. An applicant for a patent could employ his brother, or his friend, or his servant, as agent, so long as the comptroller recognised his authority." Mr. Justice Hawkins said, "If it were necessary that every application should be made through a patent agent, and then he was describing himself as 'agent,' without using the word 'patent' even, I should say that he intended to convey that idea by stating that he was acting as agent; but when, not being a patent agent necessarily, and acting as an ordinary agent, he may make the application, I do not think it follows that a man is doing anything wrong when he is describing himself merely as what he is; that is, as agent. He certainly could not be fined 20*l.* merely for doing that." Mr. Justice Collins concurred, and the decision of the magistrate was affirmed, with costs. Now the purpose of this Bill is really, is it not, to go much further, and to set aside that decision?—Certainly. If a man is allowed to practise as a patent agent without being on the register, I fail entirely to see the good of a register. As the register now stands, according to that decision, a man may describe himself by a variety of designations implying that he acts as a patent agent, and he may act as a patent agent. He may send circulars, as in fact circulars are sent, broadcast, and get money and stick to it, as in fact money is obtained and is stuck to, without patents being applied for.

683. You go the length of saying that unless a man is on the register he shall do nothing whatever as the representative of an applicant for a patent?—Entirely so; because the applicant has every facility for transacting his business, if he so desires, direct with the Patent Office through the post. The moment you go beyond that, and let in persons who use some other designation than that of patent agent, you simply open the door to gross frauds upon unwary inventors, and particularly inventors of the working class.

Chairman.

684. Did you not raise an objection to the Comptroller of Patents, or his officers, giving any assistance or advice to any persons applying for patents and acting for themselves?—Of course we do not consider it right that a State Department should carry on the business of patent agents, or the business of solicitors, or the business of barristers.

685. Does not that a little conflict with what you have just now been saying that a man can act for himself by direct communication with the Patent Office?—Not at all, I think.

Mr. *Bousfield.*

686. In order that you may not be misunderstood, let me ask you this: supposing an inventor in Yorkshire writes to a friend of his in London who is a patentee, we will say, not acting as a patent agent, but who knows the ways of the Patent Office as having been a patentee himself, and asks him to file an application for him, and gives him leave to go to the Patent Office, and makes him his agent, he would attend at the Patent Office, according to the present system, as an agent, would he not?—He would.

687. Do you desire to prevent such a person from taking formal applications in that way to the Patent Office?—There is no occasion for it.

688. You do not desire to prevent that, do you?—We do not object to a person in London taking the documents to the Patent Office, but we do object to a person in London being made the authorised representative before the Patent Office of the person in the country, not because in the case of his being really a friend of the inventor we should so much mind it, but because it necessarily opens the door to fraudulent persons to carry on business as patent agents under a different name.

689. But your Bill does not assume to prevent that. Let me read the section: "If any person other than a registered patent agent takes or uses," and so on "the title of patent agent or agent for obtaining patents, or patent registration agent, or patent attorney, or patent expert, or inventors' agent, or any name, title, addition, or description, stating or implying that he is a patent agent, or that he is a person qualified to act as a patent agent." According to your Bill, all you desire to do is to prevent unqualified persons from describing themselves in any way so as to imply that they are patent agents; that is what you desire to do, is it not?—We do desire to do that.

690. Then I ask, surely it is obvious that this section does not cover the case I put of a person who has a friend in London who takes an ordinary authorisation to the Patent Office, in which he describes himself as what he is, in fact, as the agent of a certain person. Unless he does it in such a way as to hold himself out as a patent agent, this clause is not intended to touch him?—Quite so.

691. You do not desire to stop that surely?—May I refer the honourable Member to Clause 6, which bears upon this point.

Chairman.] We do not wish to discuss the details of the Bill at this stage; it will perhaps be more convenient for Sir John Leng to resume his examination.

Sir *John Leng.*

692. In the memorandum of your Bill, it is stated that "the provisions restricting the right to practice and to recover charges to registered persons are similar to those conferred on dentists and veterinary surgeons by existing Acts;" there are various other professions that have institutes and registers, if I mistake not, for instance the engineers, architects, accountants, and journalists; at least the engineers have an institute, though I understand there is no register?—I should be very glad if in that connection you should find it convenient that I should read what I say in my paper,

Sir *John Leng*—continued.

paper, read at the institute in December 1885; "It may be said that certain responsible professions are still open without restriction, and in support of this contention those of the civil engineer, the architect, the surveyor, the accountant, and the actuary, may be cited; but in none of these cases can such powerful reasons be adduced in favour of legal recognition and control, as in the case of the patent agent; the country expects much from (amongst others) inventors of limited means, and the exclusive rights supposed to be conferred by grants of letters patent constitute the inducement held out to men of this class; but if they are deceived and are induced to give up their inventions in exchange for letters patent which, on being put to the test, are found to represent only so much waste paper instead of valid grants, a time will come of general distrust when the Patent Law will cease to have the effect it is designed to produce, namely, that of encouraging the rapid development of manufacturing arts; very many inventors of the class just referred to are men not possessing extensive business connections, or any considerable influence; indeed many belong to the artisan class; they cannot draw a proper specification, they dare not trust their secrets to their employers, and they know not in whom to place confidence; as a natural result, in many cases such an inventor avails himself of the services of some advertising quack. This expression is used advisedly, because, as is well known, there are persons who profess to act as patent agents who do not necessarily possess any qualification for the work, but take advantage of the unwary by holding out low charges as a bait. Into such hands many an unfortunate inventor has ere now fallen, only to find out his mistake when it has been too late to remedy the mischief done. Those persons, however, who are likely to require the services of civil engineers, architects, surveyors, accountants, or actuaries, are for the most part very differently circumstanced to inventors of the large class above alluded to. They are usually persons in a higher walk of life, with business or other connections that enable them to readily ascertain the names of reliable members of the profession of whose services they may stand in need. The ground upon which it is expedient that an Act of Parliament should be passed, conferring upon patent agents exclusive privileges, is that they occupy an exceptional position in comparison with many other professional men, and that this position bears some analogy to that of those to whom the law has already afforded special protection. For example, the great feature which distinguishes the legal and the medical professions (and in the latter, dentists and chemists may be included) from so many others, is the confidence demanded from the client, and his inability in many cases to protect himself against incompetence and chicanery." I might go on reading, but I should be taking up the time of the Committee, which I do not desire to do.

693. You would not deny that men in all walks of life are subject as they go through life to suffering from embezzlement, and fraud, and malversation. Take the case of accountants to which you have referred: you will not say, I

Sir *John Leng*—continued.

presume, that in these days of gigantic joint-stock companies, and in view of the cases of misrepresentation and fraud which have been reported daily at great length in the newspapers, that an actuary or an accountant has not very responsible duties to perform, in which very large numbers (taking the Liberator case for example) of comparatively poor people may suffer severely; and yet neither actuaries nor accountants, so far as I understand, have the powers you are seeking under this Bill?—In answer to that, I would say that the tendency with regard to legislation as to the protection of inventions in latter years has been to afford special facilities and protection particularly to inventors of limited means, and to inventors of the artisan class. And in that connection it is notorious, I am not responsible for the statement, but it is notorious, and has been for years, that these inventors are preyed upon by disreputable persons who advertise. I do not mean that persons who advertise are necessarily disreputable. I do not suggest that for one moment, nor do I suggest that those who advertise prices are disreputable, I do not suggest that for a moment; but I propose, with the sanction of the Committee, to put in a short history on this subject, which will show that this has long been regarded as a weak point.

694. Will that short history give actual cases?—No, not actual cases.

695. I think that is desirable?—It shows how people unconnected with patent agencies at all have, years ago, and time after time, been representing this weak point. Actual cases could be given by the Chairman of the Discipline Committee.

696. We have had hypothetical cases, and I have been rather struck by the fact, that while we have heard so much of this, it has not come before my observation as a reader of newspapers, that there have been such a multitude of cases as has been represented. If you could give us actual cases we should have them before us?—Mr. Edward Carpmael, the Chairman of our Discipline Committee, will be able to give cases and to quite satisfy the Committee on that point. I remember a case very well a good many years ago, which did appear in the newspapers, where a man received a considerable sum of money to apply for patents in various countries and did not apply for them, and of course we know of a number of such cases. We have frequent complaints of that sort of thing.

697. The Bill clearly contemplates not only that a man shall not describe himself as a patent agent who is not on the register, but that he should do nothing whatever in the way of agency to secure a patent; it is this exclusive point to which I specially direct your attention. As you are perhaps aware, the members of the Press have obtained a charter and established an institute of journalists, with a president, fellows, and members, but they do not attempt to restrict any man who can write a leading article or supply a verbatim report from doing so unless he is registered as a member of that institute?—Certainly not; but such a man does not act in the same capacity of trustee and confidential

Sir *John Leng*—continued.

adviser as a patent agent, or a doctor, or a solicitor does. The positions are quite distinct.

698. But surely the editor of a leading journal not only must be himself a man of great attainments, discretion, and ability, but as representing that journal he has very great interests to conserve, both for his proprietors and the public?—Yes; and if he does not conserve them, he will be very soon sent to the right-about and another editor appointed.

699. Should not that principle be allowed free play with regard to persons who for others apply for a patent?—Emphatically no.

700. I can quite understand your point of view on that question; but of course you can see that it admits of different opinions. You mentioned that a practitioner had been, by order of the Board of Trade, struck off the register for dishonest practices, namely, receiving money for a specific purpose and not applying it to that purpose. Is it not remarkable that in the course of five years you have only had one case of that kind?—We have had a number of cases.

701. Have you had more than one actually struck off the rolls?—No; the state of the law was such that there were certain difficulties in the way of doing what it would have been desirable to do if the law had been as we conceive the law ought to be.

702. You spoke of certain agents as having been pitchforked on to the register; I presume you allude to that class. Is there any considerable number of agents that you would say have been pitchforked on to it?—Yes. Mr. Carpmael would know that even better than I do, because, as Chairman of the Discipline Committee, he goes more into the details of that particular branch; but no doubt a very considerable number of persons have been registered (I do not say improperly) who were not what I should consider reasonably qualified.

703. So that, although you have only the limited number of some 246 on the roll, yet, even of that limited number, a considerable proportion are not properly qualified?—Undoubtedly it is so.

704. In one of your answers you expressed the view that it was the intention of the Legislature to make the roll exclusive; how do you reconcile that view with the Report of Lord Herchell's Committee, in which they said, "We think it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof. The matters upon which the office has to communicate with inventors are sometimes of a character quite untechnical, and it would be a hard measure to prevent an inventor in the provinces from transacting his business with the office in such cases through the agency of a friend residing in London. And we do not see our way to distinguish, in an enactment, between cases of this nature and those requiring technical knowledge, even if we thought it desirable to create a monopoly in favour of agents on the roll"?—In my opinion, if the distinguished gentlemen who constituted that Committee had only had the time and opportunity to really go thoroughly into the whole question, and perfectly understand it, that Report would not have been made.

Sir *John Leng*—continued.

705. In reply to a suggestion by the honourable and learned Chairman that a register of patent agents might be kept at the Patent Office, you said that such a register might be so kept as to be highly mischievous. Would you be good enough to explain how that would occur?—Supposing you had a register kept by a body of persons elected from among themselves by all on the register who chose to vote, it is quite conceivable you might get the whole thing controlled by persons of very inferior status, and having by no means the views as to what is right and what is wrong that should control the keeping of the register of a body of professional practitioners.

706. But might it not be practicable to obviate those objections; is there anything to prevent the Comptroller, for instance, acting precisely as the Registrar would act, under regulation, and taking the advice of patent agents in whom he had confidence with regard to those who should be admitted to the roll?—It seems to me that if the register is not to be kept by the Institute, enlarged on some such basis as proposed in our Bill, the only alternative is that it should be kept by the Government. But it ought to be kept on such a basis as to be of real value; whereas at the present time, though of some value, it is of comparatively little value.

707. I think this must have been in your mind in the paper that you read at Chicago, of which I have been favoured with a copy, entitled, "Some Suggestions for a good Patent Law." I find in Article 10 the rubric is, "All patent agents or attorneys should be registered in the Patent Office of the country?"—I am glad you have referred to that, because I am pleased to find that since that paper was read, a very strong recommendation indeed has emanated from the Commissioner of Patents of the United States in the Annual Report for 1893, to the effect that a Patent Bar should be created. If I may be permitted, I will read an extract from that report. In his report, the United States Commissioner of Patents says: "The vast public and private interests involved in the just administration of the patent system demand that the practitioners before the office, like those before the Federal Courts, shall be only those of ascertained moral and intellectual fitness. To this end it is respectfully recommended that legislation be had establishing a Patent Bar, which shall consist, in the first instance, of those counsellors-at-law who are entitled to practise in the Federal Courts, and that the Commissioner of Patents, with the approval of the Secretary of the Interior, may establish rules and regulations for admission, from time to time, of those found qualified, and who may be recommended for admission by the Federal Bar of the State in which they reside, or in the manner and by those on whose recommendation admissions to the State Bar are made by the State Courts where the applicant may reside. It is believed that under the guidance of a Patent Bar of recognised standing and repute, the soliciting of patents would attain a regularity and dignity in the practice of the profession of the law which is otherwise unattainable; and that the first to gain under such a practice would be the meritorious

Sir *John Leng*—continued.

torious inventors, and second only to them, the industrial world and the public."

708. But you do not infer from that statement that the members of the suggested Patent Bar are to be men doing precisely what is done by patent agents in this country?—Most undoubtedly.

Mr. *Mather.*

709. Do you consider that the whole duty of a patent agent before the American Commissioner of Patents involves greater responsibility than that of English patent agents before our Comptroller of Patents?—No.

710. You think the duties are not more responsible in America than they are here?—I do.

Chairman.

711. That contemplates the patent agents being drawn from the Bar, does it not?—That is the way they have of expressing it there; it means patent agents.

712. Does not that proceed upon the basis that practising in the Patent Court, and attending to patent business, is a branch of the legal profession in the United States?—It is not in that restricted sense that the recommendation is made. Perhaps I may draw your attention to these words: "It is believed that, under the guidance of a Patent Bar of recognised standing and repute, the soliciting of patents would attain a regularity and dignity otherwise unattainable."

Sir *John Leng.*

713. At the same time, the members of the Patent Bar, it was evidently contemplated, should not only have technical knowledge, but should, in fact, be professional men equivalent (with such local differences as no doubt exist between the United States and this country) to members of the Bar of this country or to solicitors in this country?—They would be more like solicitors in this country, probably, but with technical knowledge. I may state that for many years there has been a provision in the United States for practically "disbarring" patent agents; that is the expression they use. For instance, the rule, which is a repetition of the Statute, says: "For gross misconduct the Commissioner may refuse to recognise any person as a patent agent, either generally or in any particular case, but the reasons for such refusal will be duly recorded and be subject to the approval of the secretary of the interior." As I said before, I would like permission to hand to the Committee a short *resumé* that I have prepared on historical lines, not only with regard to the state of things in the United States, but in many other countries, European and others. I would also draw attention to an extract from the rules of the United States Patent Office. This is a statement that has appeared in the rules year after year for a great many years. "As the value of the patent depends largely upon the careful preparation of specifications and claims, the assistance of competent counsel will in most cases be of advantage to the applicant; but the value of their services will be proportionate to their skill and honesty, and too much care cannot be exercised in their

Sir *John Leng*—continued.

selection." Counsel there, means patent agents, and with regard to the Bar in that *resumé* that I have asked permission to put in, I give an instance of the communication that is published in the official gazette of the United States announcing that so and so has been disbarred. I have it before me now, in the official gazette of 20th March 1894: "Attorneys. Department of the interior, office of the secretary, Washington D.C., 9th March 1894. Sir, the secretary of the interior has ordered that Charles D. G. McKay, of Exchange and Port Allegany, Pa., be not recognised after this date as attorney or agent in the prosecution of any claim or other matter before the department or any bureau thereof. Very respectfully, Josephus Daniels, chief clerk." That is addressed to the Commissioner of Patents. Those announcements are constantly appearing.

Chairman.

714. Is it not the fact that in the United States "counsellor" means a lawyer who more especially confines himself to advising clients in chambers, and attending to business in chambers?—That may be so; I do not pretend to be familiar with the distinctions there, but I may be permitted to explain that this provision has express reference to persons appearing before the United States Patent Office as attorneys or patent agents; that is, persons applying for United States patents.

715. But the attorney there referred to is rather in the nature of an adviser than an attorney, as we understand the term in this country; is not that so?—I am an attorney in the United States, if I apply for a patent there as patent agent of an inventor resident here.

Sir *John Leng.*

716. They have attorneys in law and attorneys in fact. An equivalent power to that which you have stated exists in the United States is already possessed, and I presume has been exercised, by the Board of Trade; for instance, if a patent agent committed fraud, or did any dishonest action, there is a power in the Board of Trade to direct that he should be struck off the rolls?—Yes.

717. So that the power actually exists, and the equivalent might possibly be carried out more completely by transferring that power to the Comptroller of the Patent Office. I take it from your replies to the honourable Chairman's questions 476, 477, and 478 on the last occasion, that it is not contemplated in this Bill to interfere in any way with those who act as designs and trade marks agents?—No; there is no mention in our Bill of trade marks agents.

718. You would not object to that being made clear in the Bill, I presume?—No.

719. With regard to the Chartered Institute, I presume you consider it desirable that its membership should be as extensive and as comprehensive as it can be made, with the cardinal condition of the members being competently qualified men of probity and honourable reputation?—Most certainly.

720. You stated that the subscription for the first year is 10 guineas, and afterwards four

Sir *John Leng*—continued.

guineas a year, in addition to the annual fee of three guineas to be paid by every registered patent agent; that is to say, for the first year a young man wishing to begin business must pay 13 guineas, and in successive years seven guineas; may not fees of that amount press rather heavily on a young patent agent desiring to become a member of the Institute?—The Institute must of course make both ends meet. It has to meet necessary expenses, office expenses, secretary, meeting rooms, the printing and publication of transactions, and so forth. The amount is a matter of detail; but it would not do to fix a subscription which would not be sufficient to meet those requirements. If the membership greatly increased, the income would increase, and then no doubt it would be a question that might properly be considered.

721. I was coming to that. I understand you have already a surplus, and I was about to ask whether you do not think a lower scale of fees would be sufficient to meet these charges, especially if the membership were considerably increased; and whether these fees might not be reduced?—That might possibly be the case; but an increase of membership would also involve some increase in expenditure.

722. Certainly. I have here the Tenth Report of the Comptroller General of Patents, Designs and Trade Marks for the year 1892. You are probably acquainted with those figures. The total receipts are shown to be 199,859*l.*, while the total expenditure (which included upwards of 13,000*l.* on new works, including purchase of premises, which might be regarded as capital charges not fairly coming within the year's expenditure) was only 96,822*l.*, leaving a surplus for the year of 103,036*l.* Has it not occurred to you that a small part of that large surplus might be very fairly appropriated to meet such charges as you are now meeting by the exaction of these fees?—I have not personally thought of it exactly in that light. I have advocated, and the Institute has advocated, and successfully advocated in the past, in view of the surplus, that the patent fees should be reduced, and they were reduced, as you know

723. With regard to that I do not recollect that the Chartered Institute moved in any way, or gave any assistance in obtaining that reduction. Perhaps you can state some facts showing that it did?—The Institute attended, by a deputation, at the Board of Trade; I myself attended at the Board of Trade; and the reduced scale ultimately adopted was one that was actually proposed by a fellow of the Institute. I can only say that all the power the Institute possessed was exerted in favour of that reduction of fees.

724. I am very glad to hear it?—We do not do our work with a very great flourish of trumpets; but I do not hesitate to say that for the profession in general, and also for inventors at large, we have done a vast amount of extremely useful and valuable work that the outside world does not hear about.

725. Incidental to that I may ask (though it is not quite relevant to this inquiry) whether you would be favourable to a still further reduction of fees?—I should myself, certainly, as long as periodical payments were retained.

Sir *John Leng*—continued.

726. You stated that certain charges had been recommended by the Institute to be made by the fellows; as I understand, it was in no sense obligatory; the members of the institute were allowed to make such charges as they thought reasonable, but your recommendations were as follows: application for provisional specification, five guineas; complete specification following provisional, 10 guineas; and application with complete specification, 12 guineas; in the case of a capitalist, a man having a large business and an important patent, it would seem to me there would be no objection to charges like those; but do you not think that would be far too heavy to be paid by what we may call the poor inventor?—My answer to that would be that I do not think you could produce a poor inventor who whilst in the hands of a chartered patent agent had failed to receive the fullest possible consideration and most liberal treatment.

727. In one of your replies to the honourable Chairman you say, "We propose that any person who acts as a patent agent, whatever he calls himself, should require to be registered, just in the same way as anyone who acts as a solicitor must be registered"; is that not extending very considerably the restrictions of the present Acts, since anyone at present can legally practise as an agent, though he may not describe himself as a patent agent?—It is. The present Act, in fact, leaves the door open to unscrupulous persons, as I said before, to prey upon inventors of the poorer class.

728. But you do not go the length of saying, do you, that the men who are acting at present, and acting within their rights, and lawfully practising as patent agents, although not describing themselves as such, are all unscrupulous and dishonourable; there will be some respectable men among them, I presume?—Well, I do not know them.

729. That is not very complimentary to the whole body; would it be unreasonable, whatever may be ultimately decided upon, to ask that persons now carrying on a *bonâ fide* business, and obtaining patents, should have their interests conserved in any Bill that may eventually go on to the Statute Book, just as they were conserved when the last Bill was passed?—That would be a matter for consideration; of course, it would have to be done carefully, to say the least.

730. You see, there are vested rights existing, and unless such a course were followed you might be depriving a number of really respectable people of their livelihood; seeing that there are at present only some 74 fellows of the Chartered Institute out of the 246 patent agents on the register, does not it appear to you rather a strong order, that the entire control of the profession should be handed over to such a limited number?—No.

731. I observed that more than once you speak as though you did not contemplate a large addition to the number of patent agents; I think in your address you said, "There can be no injustice or hardship in requiring for the protection of the many who from time to time need the services of patent agents that the comparative few who may hereafter desire to commence practising

Sir *John Leng*—continued.

tising that profession shall afford reasonable evidence that they are at least moderately competent." First of all, in this great country with the enormous patent business that is going on, we have this limited body on the register, and the still more limited body, amounting to not one-third of them, as Fellows of the Institute, and you contemplate even in the future the number of persons seeking to become patent agents will be comparatively few?—The number of persons seeking to become patent agents will be few compared to the number of persons likely to require the services of patent agents.

732. I was coming to that; is it not the case that the number of applications for patents has very largely increased, and is still increasing; I think the returns in this report show that while they were less than 6,000 in 1883, they have gone up very rapidly and very steadily to some 24,000 in 1892?—There was a great jump of course when the fees were reduced by the Act of 1883, there was a tremendous jump in 1884, I think there were one or two years when there was a little drop; but whilst the number of applications has gone on increasing, I should think the number of patent agents has increased in very much the same ratio.

733. Do you consider the 74 Fellows of your Institute, or the 246 on the register (a considerable number of whom you say should not be there), are at all adequate to the number of applicants for patents in 1892, which was 24,000?—I think the number on the register is adequate for that.

734. Can you give me any idea as to the proportion of those on the register who do business in the provinces as compared with the number who do business in the metropolis?—I fancy it is less than half, but I think the Registrar had better be asked on that point.

735. Having in view the spread of technical education, and the growing tendency of young men to apply themselves to mechanics, engineering, chemistry, electricity and other branches of practical science, is it not probable that applications for patents for inventions will largely increase rather than diminish?—Yes.

736. If such is the probability, is it, in your opinion, wise, greatly to narrow the avenues to the profession?—Yes.

737. I am glad you have the courage of your opinions?—May I interrupt you one moment to give a figure which I had not before me just now. I find that on the 5th of May 1894, the number of London practitioners on the register was 128.

738. That is slightly more than one-half?—Yes.

Mr. *Mather.*

739. Do you desire to amplify the answer you gave just now to the honourable Member's question; is "yes" to be the only response you wish to make to that question?—I was desiring not to take up much time, having in view the fact that Mr. Imray is to follow me; but what I would say is this: I do not want, and the Institute does not want, reasonably competent people to be kept off the register; we only want the register to become eventually a fair index to

Mr. *Mather*—continued.

respectable and competent practitioners; that is all we want. We do not by any means want to make the profession one that it would be exceedingly difficult to enter, and the proof of that is to be found, as I said before, in the result of our examinations.

740. You do not mind about the quantity, but you want to improve the quality?—Yes; my paper in 1885 fully goes into my views upon that point.

Sir *John Leng.*

741. My friend the honourable Member for the Gorton Division put several questions on the last occasion, with the view of eliciting that it is requisite "that an increasing amount of care, skill, and attention should be paid by highly-trained persons to this work, in order that the inventor's ideas, if they are original or novel, should be placed in such a form in his specification as to withstand an attack or infringement of any kind." Considering the very large revenue and the large surplus of the Patent Office, may it not be urged that the fees paid by inventors should secure from the Patent Office that which my honourable friend would devolve upon the patent agents?—I think it is a very dangerous suggestion that the Government should become either a patent agent, or a lawyer, or a doctor, or a manufacturer, or a newspaper proprietor, or anything of that kind.

742. But in point of fact, in the United States of America does not the Patent Office do very much more for the applicant for a patent than is done in this country?—Very much less in one sense. I should be exceedingly glad, as a patent agent, to see the United States system of examination adopted here, because, as a patent agent, I should get a very great deal more business. Speaking for inventors, it has been my practice to oppose the introduction of such a system here, just as the Institute as a body has opposed it. But speaking as a patent agent, so far as patent agents' interests are concerned, it would be a very good thing for us if the United States system were adopted here. With regard to that subject, I should like to refer again to the Report of the United States Commissioner, where he speaks of the enormous proportion of litigated patents that are upset through the defective examination in the Government Office, notwithstanding the very large sum they spend upon it, and he also points out if that be so as to the number actually litigated, how much more must it be the case considering the large proportion of patents which are so utterly bad that it is not worth while litigating them at all.

Mr. *Bousfield.*

743. Is it not the practice of English patent agents very much to get the American Reports of the United States Patent Office as early as it is possible to get them, and to use them as regards novelty in framing the English specification?—So far as they go they are undoubtedly useful.

744. The United States Patent Office does give to inventors, does it not, valuable information which our Patent Office does not give?—It has that effect, no doubt; but it also has the effect of giving a false value to patents in the eyes of those who do not know better.

745. I wish

Sir *John Leng.*

745. I wish to ask you a very few questions with regard to the Bill itself; referring to Clause 5, persons at present can only be prosecuted by sanction of the Board of Trade, but you propose that the sole right of prosecution should be vested in the Chartered Institute; that would have the effect, would it not, of placing such prosecutions entirely beyond the review of Parliament?—I do not understand that the Board of Trade in any way exercises control over prosecutions. The Board of Trade may or may not see fit to appoint a committee to inquire into the conduct of a registered agent, but the Board of Trade does not control any prosecutions against persons for describing themselves as patent agents without being on the register.

746. My point is this, that so long as this business is conducted under the surveillance and control of the Board of Trade, it is open for all its actings, either directly or indirectly (should occasion arise), to be brought under Parliamentary notice and review; now, if the proposals of this Bill were carried out, no Member of either House of Parliament would have any right to interfere in any way?—I am afraid I hardly follow your question.

Chairman.

747. The point is this; if the prosecution is at the instance of a public official responsible to Parliament, Parliament can, if there is an unnecessary and unfair exercise of the power of prosecution, call the public official to account; but if the prosecution is in the hands of the Chartered Institute, they have no one in Parliament to answer for them?—My previous answer was intended to convey that the Board of Trade does not control prosecutions.

Sir *John Leng.*

748. Can they be undertaken without its assent?—Yes.

749. That is not my understanding?—May I endeavour to explain my answer.

Chairman.

750. The point is, why should your Institute have the sole power to take proceedings to enforce the penal provisions which you have inserted in the Bill?—Is the honourable Member speaking of the removal from the register?

751. I am referring to prosecutions for penalties; the Bill provides that no prosecution shall be instituted except by the sanction of your Institute?—Yes, that is considered a desirable safeguard; it would be a safeguard as regards practitioners with a reasonable *primâ facie* case.

Sir *John Leng.*

752. Might it not be reasonable that the Comptroller of the Patent Office should have some voice in the matter?—I think the Comptroller has more than enough to do already.

753. I will not take you into the details of the Bill, because I understand that the Committee proposes to go through the Bill later on, and therefore the only other questions I will put to you are regarding the recommendations respecting advertisements for the guidance of the Council and Fellows of the Institute. You referred in your evidence to "advertising scoundrels"; may I ask whether they are a considerable class?—I am afraid they are. I may say I receive every now and then complaints from abroad about circulars being received and money remitted to apply for patents, and patents not being applied for. I have one here.

754. These recommendations are with a view of preventing such malversation. The first of them is that no Fellow should insert in public advertisements quotations of prices for obtaining patents or registering designs or trade marks; do you not think it may be convenient to a large number of persons, especially to our friend the poor inventor in the country, that he should be able from an advertisement to have a general idea of what it will cost him to obtain a patent?—As long as the practitioner does not desire the hall-mark of the Institute, we do not for one moment seek to prevent his being on the register because he advertises.

755. These recommendations simply apply to members of the Institute, not to registered patent agents?—Quite so.

756. Although these recommendations are restricted to Fellows, I suppose we may take them as an indication of what the Institute think desirable should be done or not done by all patent agents?—It would be desirable no doubt, but the Institute does not put that forward as a condition of being registered or as a condition of remaining on the register, at all.

Mr. *Bousfield.*

757. It has been put forward as a condition of membership of the Institute, has it not?—No; it is a recommendation. We, as professional men, knowing how other professional men act in other professions, have desired, of course, to maintain the dignity of the Institute.

758. Just think a moment before you answer my question. Has not that recommendation been in the past made a condition of membership of the Institute?—Not to my knowledge.

Sir *John Leng.*

759. Passing over the second, third, and fourth recommendations; the fifth recommendation is that no Fellow should advertise that he negotiates the sale or license of patents. I presume some patents are of great value, and the license to use them is of value; would you explain the reason why a man is to be prevented from advertising the sale of those any more than the sale of an estate or a property?—It is because it is one of the things largely resorted to by unprincipled persons in order to get hold of inventors and to fleece them.

760. That may occur in some cases with this prohibition?—No doubt. All sorts of disreputable persons abroad adopt the same tactics; it is simply a snare.

761. Then a Fellow is prohibited from advertising in the name of a predecessor. It is the case, is it not, that there are many firms which have been long established, and are of great repute, but which in the course of time comprise none

Sir *John Leng*—continued.

none of the original members of the firm, and no person bearing the name of any member of the firm, but the style of which has yet been maintained. Why should anyone be prevented advertising in that way?—Because we conceive that people employing a patent agent should know whom they are employing; but that again only applies to Fellows, and as a recommendation.

762. Is it against the ethics of the Institute for its Fellows to negotiate for the sale of a licence?—Oh, no.

763. The recommendations, 7, 8, and 9, refer to the gratuitous distribution of pamphlets prohibiting, for advertising purposes, allusion to any position in the Institute, and gratuitous circulation of technical publications. I am sure no one will suspect you of taking advantage of or going contrary to these suggestions, but if they were strictly applied they might possibly apply even to your opening address; and more particularly to the suggestions of a good patent law, where, in addition to numerous other titles, you are designated a Fellow of the Institute?—Yes, "a Fellow of the Institute." There is no objection to that, but it was felt more fair to other Fellows of the Institute that no person occupying the position of president, or vice-president, or member of council, should so designate himself, lest it should give him an undue preference in the eyes of the public. As regards the reprint of my opening address, I may say that that was reprinted by the Institute; and the fact that I am described as president is not due to any act of my own.

764. I do not wish to bring names before the Committee, but I will hand to you a copy I have here of the "Journal of the Society of Arts," for Friday, March 2nd, 1894, on the first page of which there are four advertisements. I think it is stated here that the members of one of the firms are Fellows of the Chartered Institute. Will you be kind enough to say whether the persons mentioned in the other three advertisements are members of the Institute?—One belongs to the Institute.

765. Are they all registered patent agents?—As far as I know they are.

766. I presume you do not object to advertisers using such phrases as "inventions protected at moderate charges"?—We do not object to a registered man doing that, but I would rather answer that question in a general way, and say that we desire, as I have said on previous occasions, that Fellows of the Institute should carry on their business on professional lines, resembling those of the physician, the barrister, and the surgeon. For instance, if you take dentists, you do not hear of any eminent dentist advertising that he can extract a tooth with gas for 3*s.* 6*d.*, or anything of that sort; in fact, he may lose his diploma if he does that.

Mr. *Mather.*

767. But dentists sometimes advertise false teeth at so much a dozen, do they not?—I am afraid some do, but not dentists of high standing.

Sir *John Leng.*

768. Have you considered that this general objection to professional advertising practically leaves the whole advertising field open to those whom you designate quacks?—No, I should think not.

769. Has it not that effect, that papers are filled with such advertisements. Take the case of doctors: you scarcely take up a paper in which you do not find advertisements as to pills, ointments, and other matters. The effect of the professional man keeping out of advertising columns is to allow others whom they look down upon as quacks, and object to, perhaps properly, to have their own way so far as advertising is concerned, is it not?—I do not think those advertisements as to medicines are issued by quack doctors, or by doctors at all; they are issued by vendors of medicine.

770. But they are supposed to be specifics, are they not; and no doubt a very large portion of them are consumed, whereas, but for these professional rules, medical men and others might bring their qualifications, and even their medicines, under the public notice?—There is nothing at all to prevent a Fellow of the Institute from advertising. We simply object to a Fellow of the Institute descending to a class of advertisement that we deem to be unworthy of any respectable professional man. I do not wish to be understood as saying that there are not respectable practitioners who advertise, even prices; but, unfortunately, there are so many disreputable persons who do that for the purpose of catching clients, that it is an exceedingly dangerous practice to permit; and it is a practice which is not permitted, so far as I know, in other recognised professions.

771. Would those remarks apply to the phrases in this advertisement: "Provisional protection for nine months under the new Act, three guineas"; "French patent, including first year's tax, 8*l.*"; "Belgian patent, 4*l.*"; "Imperial German patent, 10*l.* 10*s.*"; "United States patent, 17*l.* 10*s.*"?—I know whose advertisement you are quoting, and I would rather say nothing about it.

772. May we take it generally that you do not think it desirable that the fees to be charged for particular services should be advertised?—That is so.

773. Is it not desirable that an inventor should have some idea of what the patenting of a patent in a foreign country would be likely to cost him?—There is no difficulty in ascertaining that. If he sees the advertisement of a practitioner he can readily write and ask his terms. Most of the practitioners who advertise have circulars containing information as to their charges. There have been many instances in which advertisements have been inserted, quoting particularly low charges for a patent in one country, for example, and then when the inventor has once been in the clutches of the advertiser, he has probably been charged, for some other country, three times what he would be charged by a really respectable practitioner. We object to the class of advertising that opens the door to that sort of thing, so far as Fellows of the Institute are concerned, but we do not wish to interfere with registered practitioners as such in regard to advertising.

774. Are the Committee to understand from you that at the present moment there are advertisements appearing which you would attribute really

Sir *John Lenq*—continued.

really to dishonest motives?—I should say yes, certainly.

775. Is that in cases where a very low sum is stated for obtaining protection for a patent?—Of course I am now being pressed upon a point that I have to deal with under reserve; but as I said on a former occasion, if an advertisement offers protection of an invention for 1*l.*, which is the bare amount of the Government fee——

776. Supposing it was 30*s.*?—All I can say is the work cannot be done honestly for the money.

777. But are not there cases of very simple inventions, say like a button-hook or many of the small contrivances we see which are patented nowadays, in which a clear specification might be written in a very few sentences in a quarter-of-an-hour, and would not half-a-sovereign be ample payment for that?—It is not the mere writing of the specification. I should think that to pass a case through one's books from first to last would make a big hole in half-a-sovereign, if the books of the office are kept as they ought to be, and if the advices are sent to clients as they are sent from a well-regulated office, and if all the entries are checked as they are checked in a well-regulated office. The keeping of the books relating to the applications for patents pending in a well-regulated patent agent's office costs a large sum of money, that is to say hundreds of pounds a year.

778. With regard to advertising generally, if a person has a dishonest motive, and gives it publicity, is he not taking the shortest way to bring himself under censure, and if he does anything contrary to law or justice, making himself amenable to punishment?—My experience is that people of that class have gone scot-free for a great many years.

779. Is not a fraudulent advertiser, by the mere fact of his advertisement, more likely to bring himself within the meshes of the law than a person working in the dark?—I have not found that it has worked out so with regard to persons professing to be patent agents.

Mr. *Bousfield.*

780. Do you know, in fact, that anyone advertises provisional protection for 30*s.*?—I do not call to mind that amount.

781. Or any amount like that?—I have one before me here now of an invention protected for 1*l.*

782. Will you let me look at the advertisement?—Of course, I put it in under reserve. I do not profess to know anything about this particular advertiser.

Mr. *Warmington.*

783. I should like to know for how long you have had practical experience of taking out letters patent?—I went into my father's office 37 years ago.

784. From that time to this have you been actively engaged in taking out patents and in the business of a patent agent?—I have.

785. Of the applications for patents made to you, will you give the Committee the proportion which you have advised, in consequence of your knowledge of previous patents, should not be

Mr. *Warmington*—continued.

persevered with?—I could not give the proportion with accuracy, but in a very great many cases I have given that advice.

786. Is that one of the main reasons for your saying that it is for the protection of the public that a patent agent should be a person of skill and knowledge?—Yes.

787. Is there any desire on the part of the Institute to keep from its register anyone of good character and with a fair and reasonable amount of knowledge?—No.

788. Does the Institute desire to make a profit out of the mere keeping of the register, or do they simply desire that the register should be self-supporting?—Self-supporting only.

Mr. *Alban Gibbs.*

789. With regard to the last question, I think you said that you would produce the account of the fees; you said they had been put to a separate account, did you not?—The registrar knows about that.

790. I know that your Institute has done a great deal of good work, and that it is doing very good work; but I do not understand how you consider that it will be a thoroughly representative body of the profession if it is to make the laws of the profession and rule the profession. I suppose you would admit that the laws should be made by a thoroughly representative body?—Yes; a representative body of the practitioners; that is to say, of those constituting the respectable portion.

791. It is very difficult to say who is respectable and who is not; supposing a person passes the severe examinations that there are, and pays the fees which are stipulated by law, is he not entitled to a voice in the management of the profession that he then belongs to?—Yes; such a practitioner is entitled in a very different degree to one who has not passed such examinations, but it would be desirable to have some proof of a man's probity and respectability in addition before giving him a voice in the control of the profession.

792. But what you require of him is that he should join the Institute, is it not?—Yes.

793. That is to say, of course, that he should pay a certain amount of fees; I do not say that they are excessive, but at the same time, a young struggling man may have a difficulty in paying those fees; but he has to pay them. Then again, he has, as far as I can understand, though you say it is not absolutely compulsory to comply with your recommendations, and if he does not comply with your recommendations I imagine he would not be likely to be elected. Supposing you knew that he was a persistent advertiser, he would probably have a great chance of being black-balled at the Institute, would he not?—He would probably not be rejected by the independent outside committee, to whom we propose to leave it during the first six months.

794. That gets over the difficulty for the first six months, but afterwards it would arise, and that does not get over the question of the money, does it?—The Institute must be self-supporting. A man can practise and be registered without being a Fellow of the Institute. Membership of the Institute is worth, to a practitioner, a great deal

Mr. *Alban Gibbs*—continued.

deal more really than he has to pay for it, because if he attends the meetings he gets the united experience of the leading practitioners in the profession, at what we call question time, and a vast amount of information up to date is given, which is of extreme value to any practitioner.

795. I do not for a moment dispute that the Institute is of extreme value to its members, and worth probably a great deal more than they pay for it as to those who are in London, and who can join in its meetings; but, taking a person in Scotland who has not time to come up to them, is not it hard upon him that he shall be compelled to join the Institute in order to have what it appears to me he has a natural right to have, namely, a share in the government of his profession and a share in appointing the governing body, or in voting for the governing body in accordance with the plan which was suggested in the Bill which I introduced?—If a solicitor does not pay the subscription and get elected as a member of the Incorporated Law Society he has no control over that society. If the register of patent agents were kept by the Government instead of by the Institute, patent agents would have no voice in the control of the profession then.

Chairman.

796. But with reference to a solicitor, the fee paid is very small, is it not, and the fact that he is a solicitor is the sole qualification required for his being a member of the Incorporated Law Society?—He has to be elected, but then your register is on a very different basis to that of the patent agents as it now stands. The time might arrive when the mere fact of a man being a patent agent and registered as such might become a qualification, but for some years to come, considering how the register has been formed, that is an impossible state of things.

Mr. *Alban Gibbs.*

797. Will you tell me what the objection is to the governing body being elected by universal suffrage amongst the registered patent agents, leaving the Institute in the position of being able to confer a hall-mark as it were upon its fellows, and exercising jurisdiction over its own fellows in the way of preventing them advertising or doing anything which you consider unprofessional?—I conceive that any body to control the profession must be composed of men who are not only competent but are men of ascertained respectability. Now those on the register at the present time are some of them men of by no means ascertained respectability, and I for one should certainly object most strongly to being controlled by a body of which persons of the class I am indicating were members.

798. But do you think that in electing a Council for their body, it would be likely that any, or if any, hardly any of such a character as you have mentioned would be elected?—I think it is exceedingly probable that a clique might be formed to get a particular man elected, and we do not know what the result might be. As against that, there is the fact, and the undoubted fact, that the register has been kept hitherto

Mr. *Alban Gibbs*—continued.

satisfactorily; there has been no case of abuse, and no case of hardship; it has been kept conscientiously and without any undue favour.

799. Then you do not think it is a hardship to impose these further qualifications, and paying and subscribing to certain recommendations, or whatever they may be, or at any rate to paying an extra subscription?—No.

800. I think you are entitled to exclude anybody, are you not?—I know of no profession that is controlled by a body elected by the whole of the practitioners from amongst themselves. I do not know of any such profession, but I do not say it does not exist.

801. You are asking us to prevent anybody practising as a patent agent except he is on your register and subject to your control?—No, I do not think I said subject to our control. Any case of striking off the register would be for the court to deal with, as in the case of a solicitor.

802. But there is the question of the bye-laws and things which you are to make?—Those concern only fellows of our Institute; our Institute has for five years done, gratuitously, the very onerous work of keeping the register, a work which has been beneficial to the whole profession. We are willing to go on with that work for the benefit of the whole profession, but it is quite another suggestion that therefore everybody, no matter how disreputable, should be entitled to belong to our Institute. Then the alternative proposition seems to be that a new body should be formed, composed of those who choose to join it, and that they should have the control of the profession.

803. No, a new body composed of all registered patent agents?—No, only those who choose to join, as I understand it.

804. I think the idea is that it should be elected by all; that is, at any rate, what I think is the proper thing?—Undoubtedly you would find that opposed by all the principal practitioners, and by a body of practitioners representing, certainly, more than half of the whole of the business transacted by patent agents before the Patent Office. One difficulty, Sir, with regard to your Bill is this, that you start with a register which has not been purged.

Chairman.

805. But in establishing professions recently there has not been "purging," has there; dentists, for instance, were not purged, were they?—I do not understand that the dentists are controlled by a body elected by the whole of those who are on the register from amongst themselves.

806. I am using your word "purged"?—It depends on what you intend to do by the register. Here is a new proposal altogether, a proposal for which, so far as I know, there is no precedent; it is proposed now, although there exists a body of respectable practitioners incorporated by Royal Charter who have satisfactorily kept the register for five years, that some new body should be formed, on lines differing, so far as I understand, entirely from the lines upon which any other professional controlling body has been established, to control our profession.

Then

Chairman—continued.

Then I say, before such a thing could be allowed, the register would have to be purged.

Mr. *Alban Gibbs.*

807. Practically I see the Bill says that all people whose names are on, or are entitled to be on the present register may signify to the Council their desire?—Quite so; a very large proportion indeed of practitioners would undoubtedly not signify any such desire, and all the rag-tag and bob-tail would control the profession.

808. That would be the fault of the respectable practitioners who did not signify their desire, surely, would it not?—I do not know.

Mr. *Bousfield.*

809. Do you think the rag-tag and bob-tail are in the majority in your profession?—I think the rag-tag and bob-tail would probably be the tail that would wag the dog.

Chairman.

810. I believe you wish to hand in a statement which you have prepared, and to have it put into the Appendix?—If you please, Sir; also, with your permission, this paper with it, and these signatures in favour of our Bill. (*The documents were handed in.*)

Mr. *Bousfield.*

811. Whose are these signatures?—They are signatures of people not connected with the Institute.

Chairman.

812. The gentlemen whose names are attached to this form are registered patent agents, but not members of the Institute, I understand?—Quite so; one has since become a member of the Institute.

813. As you bring these signatures forward to testify to the desirability of your Institute, would you admit these gentlemen *en bloc* may I ask?—I have not considered the names at all; those gentlemen testify in favour of our Bill, and they would be satisfied, if effect were given to the provisions of our Bill, that the register should be kept in the way indicated in our Bill.

814. But you see this form says "I, the undersigned registered patent agent, not being a fellow of the Chartered Institute of Patent Agents, do generally approve the provisions of the Bill for the registration of patent agents promoted by that Institute, and introduced by Mr. Warmington"?—Quite so.

815. What is the reason for specially stating on the face of this paper that these gentlemen are not fellows of the Chartered Institute of Patent Agents?—In order that it may be understood that in addition to the 74 fellows of the Institute, there is a large body of registered patent agents outside of the Institute in favour of our Bill.

816. That is to say, that these gentlemen wish the management of the affairs of the proposed profession to be in the hands of your Institute of which they are not members?—Yes.

817. They wish for their affairs to be managed by other people, do they?—They may seek to become members under the provisions of our Bill for all I know.

Chairman—continued.

818. It would probably add weight to these recommendations if you would let us know if these gentlemen are gentlemen fit to be members of your Institute, or are "rag, tag, and bob-tail," to use your phrase?—May I say that I do not even know the names of those gentlemen, because I have not read them.

Sir *John Leng.*

819. What is the number of them?—Forty-two, I think.

Mr. *Bousfield.*

820. The Committee would like to know how these signatures have been obtained?—By sending a copy of the Bill to all registered patent agents, and by addressing a circular to all registered patent agents not belonging to the Institute.

Chairman.

821. Will you let us see a copy of the circular?—The registrar can produce it when he is examined.

Mr. *Bousfield.*

822. I see Mr. Justice's name on these documents; I presume he sent most of them out?—I think not.

823. I see his name stamped on a good many of them?—I did not know that, but I know that is how they were obtained.

824. Was a copy of the Bill sent to every registered patent agent?—Yes, by the secretary.

825. With one of these forms; is Mr. Justice the secretary?—No.

Chairman.

826. Who sent these out?—The secretary.

827. Then he can tell us probably what was sent with them, can he not?—Yes, he will be able to do so.

828. We do not propose to call the secretary, so that it would be convenient if you could tell us if you have the secretary here?—Yes.

829. Tell us what the form of the circular was, and whether a copy of the Bill was sent with this circular?—The Bill was not sent with it, but was sent some weeks before. A copy of our Bill was sent to every registered patent agent.

Mr. *Mather.*

830. Is there anything incompatible with the objects of the promoters of this Bill in providing for the addition to your council of the Institute (which you propose should act as the sole controllers of the business of patent agents), say a third of their number from the outside registered patent agents, not members of the Institute, to deal with all such matters as affect the whole body of patent agents?—I daresay, under certain conditions, that might be a possible compromise.

831. It is not incompatible with the object and purport of your Bill, is it?—No.

832. Would

Chairman.

832. Would it be possible to add in some form all the registered patent agents to your Institute, giving them a certain representation on the council?—I do not think all of them. There would have to be some control exercised by some independent authority, I think.

833. If there were only a certain representation on the council, it could not affect the action of the council very materially, could it?—I am afraid I hardly followed your question. You did not mean to make them in any sense members of the Institute, but only to give them power to elect certain representatives in the same way that provincial incorporated law societies elect certain representatives on the council of the Incorporated Law Society, I understand?

834. Yes?—I daresay that may be a possible solution of the difficulty.

Mr. *Mather.*

835. That was the object of my question; I wanted to know if it was not possible, to meet to some extent the complaints outside, for you to enlarge your body by electing persons from the general body of patent agents?—Yes, to enlarge the council.

Chairman.

836. You propose to take a certain power of disciplinary authority with reference to the whole body of registered patent agents, do you not?—As to investigating complaints.

837. Having regard to that, is it not reasonable that all these people over whom authority is to be exercised should have some voice in the constitution and the discipline of the committee?—The only powers we propose to take are to investigate complaints, I take it.

838. And also some voice in the action of the Institute, which, if any Bill of this kind passes, will become a very important body?—But it does not give special powers to interfere with practitioners in the conduct of their business so long as they are conducting their business properly.

839. The questions now put to you are directed towards suggesting to you some way of assisting the Committee in a difficulty. The feeling of the Committee, I think, is that your body is hardly sufficiently representative to entrust the great powers which you ask for in this Bill to them as regards the whole profession. You have only 73 fellows and there are nearly 300 practitioners, are there not?—About 240.

840. And the 73 are under this Bill to exercise jurisdiction materially affecting the rest of the patent agents?—There are 240 odd different practitioners on the register, 74 of whom belong to the Institute. Certainly the proportion is smaller than in the case of the Incorporated Law Society, but if you will permit me I should like to say this. If I may answer your question from my own personal view, and not as in any sense committing the council of the Institute to that view, I think it might be a possible solution of the difficulty that after our Institute shall have been enlarged on the lines indicated in our Bill, the whole of the practitioners on the register, whether Fellows of the Institute or not, should

Chairman—continued.

be allowed to take part in the election from amongst the Fellows of the Institute of a certain number of members of council, or as an alternative, if those members of council are to be elected only for specific purposes connected with the register, then I think that the persons elected should be, say, subject to the approval of the Lord Chancellor or the Master of the Rolls, so as to insure that you get persons on the council with some guarantee of their respectability.

841. But suppose the members of the Chartered Institute of Patent Agents had the right to select, or elect, two-thirds of the council, they would of course elect that two-thirds of the council from chartered patent agents. Then suppose that the whole body of registered patent agents had the right to add by vote at any election conducted by officers of the Institute the remaining third of the council taken from the register of patent agents, what would be the result?—I think a compromise might be arranged on some such lines if some kind of precaution is taken that the persons selected are persons of good character.

842. But under the Bill you will have power to purge the register from persons of bad character, will you not?—But that is a process of time necessarily.

843. But you have no right to presume that a man is a man of bad character unless you have convicted him of something which justifies that presumption?—I think on the lines you have indicated some workable scheme might be arranged.

Mr. *Bousfield.*

844. What precaution have you at the present time taken to exclude persons of bad character from the Institute?—The council make careful inquiries with regard to any candidate proposed, and also the candidate is proposed by persons who are already Fellows of the Institute, on their personal knowledge.

845. But I am speaking of original members of the Institute; you made a certain selection, did you not?—Yes.

846. When this Institute was started it was at first a self-selected body, was it not?—Yes.

847. That is, a certain number of agents met together?—Yes, 48.

848. And they constitute the Institute?—Yes.

849. No notice whatever was sent to the bulk of those who were on the register, was there?—There was no register.

850. The bulk of the profession did not know what you were doing, did they?—I should say, certainly they did.

851. But the bulk of the profession never had any notice, prior to the constitution of your Institute, that you were going to form one, did they?—A good many of those now on the register have discovered themselves to be patent agents since that date. What I wish to convey is that the bulk of the profession was aware of it.

852. Have you any record of the persons whom you invited to your first meeting when the Institute was constituted?—Yes.

853. You have such a record, have you?—Yes.

Mr. *Bousfield*—continued.

854. Can you produce it?—Yes, I have it here.

855. I see there were 56 persons in all?—Yes.

856. May I read this paragraph, "The list of names of patent agents to be invited to become original members of the institute was further considered and, including those referred to in previous paragraphs, was finally approved as Fellows." Then there is a list including 56 names?—Yes.

857. So that the remainder of the profession took no part in the original constitution of the institute?—No, not the original constitution.

858. But I think now you will see, will you not, the desirability of making your institute as inclusive as you possibly can, subject to sufficient competency and character?—That has been our feeling all along.

859. And you do not desire to include persons on account of these recommendations that have been put forward, to which Sir John Leng directed your attention?—We have not as a matter of fact excluded them.

Chairman.

860. I think the Committee have had communications which suggest that you should inquire a little further into the matter as to whether there has not been an exclusive policy pursued by the Institute?—I hope the Committee will not at any rate think that in an institute like ours we should entirely ignore all the rules that govern members of other professions in the conduct of their practice.

861. We do not say whether the communications we have had are correct or not, but assuming those communications to be correct, it would rather show that there had been an exclusive policy, and to some extent an arbitrary policy, pursued in some particulars?—Of course I cannot deal with anything which is not actually before me, but I know perfectly well by hearsay that the Institute has been a good deal misrepresented.

862. Of course we pay no attention to private communications. We shall deal with the matter upon the evidence which is given before us. We think, however, that it is right to ask you to look into the matter a little?—It comes to me rather as a shock that it should appear to be in the minds of the Committee that the institute should be regarded on different lines from other professional bodies.

863. There is no intention to regard the institute on any lines other than the lines upon which professional representative bodies should be regarded. But you see you are coming with this Bill, and asking us to confer upon your institute very extensive powers indeed, and the institute does not seem to be quite so representative of the whole body of the patent agents as would be desirable if any powers such as these, extensive powers are to be conferred?—I am quite sure we shall only be too pleased to take the Incorporated Law Society as a basis.

864. If you took the Incorporated Law Society as a basis, you would have to admit to

Chairman—continued.

your institute, on payment of its fees, all registered patent agents?—They would have to be elected. The Incorporated Law Society does not as a matter of course, speaking with great respect, elect anybody.

865. It does not elect anybody against whose character anything can be proved to disqualify any such person?—A person must be a qualified solicitor in order to be elected, but there is nothing giving him the absolute right to be a member.

866. A qualified solicitor is a solicitor on the roll of solicitors?—But that does not entitle him to membership without election by the Incorporated Law Society. I respectfully submit to the Committee that there is no case of a solicitor advertising charges.

867. That is another question?—And I would submit there is no member of the Incorporated Law Society who adopts the practices we complain of.

868. I think the question of admitting to the roll is a different question altogether from discharging from the roll for malpractices?—Certainly, and we do not propose to discharge from the roll for advertising, whatever sort of advertising it might be. I do not say if it amounted to a malpractice it would be so, that is another thing; but it is only as regards fellowship of the institute that we should desire lines of conduct to be adopted such as you would expect on the part of a solicitor; we do not, however, carry that beyond the fellowship of the institute. We do not carry it so far as to make it in any sense a condition of remaining on the register.

869. It is true a solicitor has to pass the council, and to be proposed and seconded for the Incorporated Law Society, but he is elected almost as a matter of course, is he not?—If he advertises consultations at 2*s.* 6*d.*?

870. I do not say that; I do not know whether such a case has occurred?—I am glad to believe there has not.

Mr. *Bousfield.*

871. Do you draw any distinction between advertising and issuing circulars?—Issuing circulars unsolicited to people who are utter strangers is looked upon certainly in our profession, as it is in other professions, as what we call touting; and there are so many legitimate ways of advertising openly that we conceive it is an undesirable form of advertising.

872. But there are a good many members of the institute who have in the past issued circulars, are there not?—I issue circulars.

873. Who have issued circulars with statements of prices upon them?—Certainly.

874. And to persons who are strangers to them?—Yes; I have issued circulars to persons who are strangers to me, and who have asked for them.

875. You find, do you not, every week in the official journal a list of applicants; can you tell by the addresses whether they apply by agents or whether they apply personally?—Yes.

876. Are there not some members of the institute who have sent out circulars to people like that, whom they see are applying for a patent personally

Mr. *Bousfield*—continued.

personally, and without an agent?—That may have been done, but it certainly would not commend itself to the Council as a professional course to adopt.

877. Do you see any harm in it?—I do, certainly.

878. You do?—I do.

879. Your views about that have changed, have they not?—Do you suggest that I have ever adopted that practice?

880. No; I say your views about it have changed; I do not want to put any personal question except as to your personal opinion?—I do not think my views have changed as to sending circulars to persons.

881. Who can be seen from the official journal to be applying for patents without any agent?—That is touting in an unprofessional way for business.

882. Does it seem reprehensible to you?—As I say, we like to take other professions for a guide.

Chairman.

883. It is not a very offensive form of touting after all, is it?—I do not think that the Chairman of this Committee in his own profession would adopt such a course of advertising.

Mr. *Bousfield.*

884. But is not there this difference; there may be only one patent agent in a county, and if a patent agent has to draw his connections from a remote part of the country over a wide district, must not he bring himself before the notice of his clients by circular; is not there that distinction between patent agents and solicitors?—He may advertise his name and address as much as he likes; fellows of the institute are never interfered with for doing that.

Chairman.

885. Have you ever had any other legal cases besides the two mentioned here?—Yes; in two cases there were persons who were not on the register prosecuted before magistrates, and a penalty imposed; I may add that others have been cautioned that they were liable to proceedings, and have desisted.

886. Those would be prior to Mr. Lockwood's case?—Yes.

Mr. *Bousfield.*

887. Are they reported in the official journal?—I think not. Newspaper reports appeared at the time, I fancy.

Chairman.

888. Of course, although there are at present only 240 patent agents, yet, if you were combined into an exclusive profession there would be a great many more people desiring to join, would there not?—Yes, and year by year it is to be hoped that the quality will improve too. Even those on the register who are respectable practitioners will become more and more qualified, we hope.

889. Is not the only practical way of carrying out what you tell us you want, a register consisting of capable and respectable men, to put on the register in the first instance all those who

Chairman—continued.

are in the business and against whom nothing can be alleged, and then trust to time and the exercise of professional spirit, and the operation of your examinations, to raise the character and gradually to arrive at the standard which you have before you?—That would have been an excellent way of starting, but unfortunately the start was made by not only putting on such as you have indicated, but also by putting on those against whom a great deal could be alleged; that is where the difficulty comes in.

890. You have taken one considerable step already. Now you are asking for further powers from the Legislature; do you not think that you could associate with your institute registered patent agents who are not members of it in some form, so as to bring within the institute the whole body of patent agents upon terms such as have been suggested by the honourable Member for Gorton and in the questions I put?—Giving some representation on the Council to those not belonging to the institute, do you mean.

891. Yes?—My own personal opinion is that with proper and reasonable restrictions, such as there are in the case of the Incorporated Law Society, some such arrangement might be adopted.

892. And then you would give an opportunity for those who have not yet availed themselves of the opportunity of coming on the register, to come on the register, I suppose?—If they were in practice before the Act of 1888.

893. And if they were actually in practice up to the present time?—That is opening the door again and making a fresh start altogether.

894. Anyone can act as an agent in connection with all the business of patent work, but he cannot use one designation, he cannot call himself a patent agent, that is all, is it not?—It is a very dangerous opening of the door, I submit, considering that the most reasonable and moderate examination is proof of qualification.

895. But you are proposing by this Bill to shut the door; we are not proposing to open the door. You are proposing to shut the door, and say that no man shall act as an agent or describe himself in any way by terms which will lead the public to suppose that he makes it a business to take out patents, or assist in taking out patents, unless he is on the register?—The door is practically shut now.

Mr. *Bousfield.*

896. I do not think there are now any complaints from persons who say they are wrongfully excluded from the register at the present time?—Not that I am aware of.

897. I think the complaint is that persons who are on the register say that they would be excluded from the institute, and so from the control of the profession, is not that so?—That seems to me to be what is complained of.

Chairman.

898. There are a number of persons carrying on business as patent experts and as agents for obtaining protection for inventions and other matters of that kind, are there not?—I should say not a large number.

899. But there are some?—There may be some

Chairman—continued.

some, but I should like to point out that if the fellows of the institute do 45 per cent. of the complete specifications, other agents on the register 40 per cent., making 85 per cent., and the remaining 15 per cent. is done, not only by the applicants themselves, but also by these so-called patent experts, and so on, there cannot be much in it.

900. There is a good deal in it for these people who do the 15 per cent., is there not?—But the bulk of that is done by persons who dispense with any assistance whatever.

Mr. *Bousfield.*

901. Are your figures accurate; are there only 15 per cent. of applicants?—That is as to complete specifications lodged.

Chairman.

902. Do you mean the final specification?—Quite so.

903. But what about provisional protection; a very large number of people get provisional protection, and do not go to the length of obtaining a full patent, do they not?—Undoubtedly, that is so.

Mr. *Mather.*

904. And they fall to the ground, do they not?—Yes, many of them, because they are so badly drawn that new applications have to be lodged.

Chairman.

905. You are asking that the door shall be shut against a number of persons who are earning their living by this patent work who are not describing themselves as patent agents, are you not?—I, with great respect, do not believe that there are any appreciable number of persons earning their living in that way.

906. In doing that work?—There may be, perhaps, a certain number of persons who dabble to some extent in that sort of work, but in my opinion they ought to be dealt with with extreme caution.

Mr. *Bousfield.*

907. Practically, at the time the register was started everybody who was dabbling in that sort of work was included in the register, was he not?—Yes, if he had only filed one specification, in one case, five years before.

908. Then the Act of 1888 prevented anybody from describing himself as a patent agent unless he was on the register?—Yes.

909. So that, is not this the position, that in 1888 anybody who had done anything as a patent agent at all was put on the register?—Yes.

910. And practically since then no people have taken up the business?—Quite so.

Chairman.

911. Then, if there were so few who could *bonâ fide* claim for work done in the period between 1888 and the present time, what is the objection to giving them an opportunity of coming on the register?—Because, unfortunately, the experience under the Act of 1888 has shown one that the admissions to the register are not limited to *bonâ fide* cases.

912. Then what justification would there be

Chairman—continued.

unless you give the people I am referring to an opportunity of coming on, for our recommending the House to pass a law which would have the effect of depriving them of the opportunity of carrying on their occupations?—Because the mere final examination that has to be passed is one which, if a person has been making his living as a patent agent, though calling himself something else, he can pass.

Mr. *Mather.*

913. Do you mean to say all the agents outside, who are practising this guerilla occupation, and are not of the ordinary body, could come on immediately this Bill was passed by simply appealing to you to be examined?—Yes, by a moderate examination.

914. There is not one who could not come on?—That would be a way out of the difficulty; I should suggest that they should simply pass the final examination.

Chairman.

915. That has never been done in constituting any profession such as this, has it? It was not done with the pharmaceutical chemists; it was not done with the dentists; it was not done with the veterinary surgeons, was it?—But I submit you are giving a man, by putting him on the register, a right to call himself a patent agent, which, under the Act of 1888, he does not possess, without examination.

Mr. *Bousfield.*

916. Practically this profession was constituted in 1888, was it not?—Yes.

917. And at that time everybody who had the slightest pretence for saying that he was earning his living as a patent agent was put upon the register?—Yes, and a good many others besides.

Chairman.

918. Do you consider that the clause in the Act of 1888 which simply requires a register to be kept constitutes a profession?—I think it was intended to constitute a profession.

919. You say it was intended. What justification have you for stating that the Legislature intended that?—Because they wanted the register to be a guide as to the persons qualified to act as patent agents.

920. Was there any debate whatever upon that clause in either the House of Commons or the House of Lords?—I am not aware of any debate; I am going rather upon the report of the Committee. In the paper I have handed in you will find that everything that has tended towards registering has pointed to examination as a condition of registration.

921. But you will find, I think, that veterinary surgeons, dentists, and other bodies, who have obtained powers such as you are asking for, in the first instance put on their register all those who were really *bonâ fide* carrying on the particular business which was the subject matter of legislation?—I differentiate those cases because our register has been already five years in existence.

Sir *John Leng.*

922. Only it has not been a compulsory registration, has it?—A man could not describe himself as a patent agent unless he was registered.

Chairman.

923. But you seem to attach undue importance to the register and to the designation of "patent agent"?—"Patent agent" was the designation, just as "solicitor" is a designation, or "barrister-at-law" is a designation, or "physician" or "surgeon" are designations. So "patent agent" was a designation of those in our profession.

924. Anybody cannot do a solicitor's work who is not a solicitor, whereas anybody can do a patent agent's work?—Unfortunately that is so, or, I should say, he can pretend to do it.

Sir *John Leng.*

925. Would you object to some such arrangement as this: Assuming there is a limited number of persons, it may be 10 or it may be 20, who have actually been doing agency work while not designating themselves as patent agents, and they could establish that fact to the satisfaction of an officer of the Board of Trade or the Comptroller of the Patent Office, would you say that that limited number should be allowed to go on the register?—The difficulty is that the Board of Trade have been satisfied in the past in cases which were not *bonâ fide*. If a really reliable test were applied, such as the very moderate examination we hold for admission, I should see no objection; but there would be gross abuse if the door should be again opened in that way to let in a fresh batch of people without the slightest evidence of their qualification or respectability.

926. Would not you be satisfied with the judgment say of the Comptroller of the Patent Office?—No, I should not. The Comptroller is a gentleman now more than fully occupied, and he has not the machinery at his command for ascertaining the facts.

927. Have not he and his officials such personal acqaintance with applicants for patents as to have a general idea of the position of those people?—Only to a limited extent.

Chairman.

928. You are asking us to carry a prohibition which is a prohibition at present only against the use of the style of "patent agent" to a prohibition against the doing of the work. You wish us not only to say that a man who is not a registered patent agent shall not call himself a patent agent, but also to say that no one but a registered patent agent shall do patent agent's work, or act as an agent for persons applying for patents?—It seems to me that most disastrous consequences would be likely to result from opening the door so wide as I gather you to indicate, because there may have been I do not know how many cases in which some man's name may have figured as an authorised agent in papers sent in to the Comptroller, and in that way you may have, for aught I know, thousands of people who know no more about patent law and patent practice, and the duties of a patent agent, than

Chairman—continued.

the man in the moon. Simply because in their capacity as clerks to some inventors or what not, their names may have appeared in some authorisation, perhaps once, they would, if they asked for it, be pitchforked on to the register.

929. But they could have been pitchforked on to the register of 1888, could they not, because it only wanted one authorisation to do it?—There were not so many then, because the practice of requiring authorisations only sprang up under the Act of 1883, which commenced to operate in 1884.

930. But if there were not so many relatively then, how do you suppose there would be a great many relatively now? Thousands you talk about you know?—I do not say that thousands would apply to be put on, but there may be thousands who would be in a position for aught I know to apply to be put on.

931. But if there are so many persons who are doing this, as your answers now suggest, you make it the more difficult for us to close the door in the way you want?—No, because they are not getting their livelihood or any appreciable part of their livelihood by that work. You do them no appreciable injury whatever by excluding them from the register.

932. Is it no injury whatever to say that a man who is earning money in a particular line shall no longer earn money in that line?—I do not believe the men I have in view are earning money in that line. Take for instance the case of a friend of A. B. in London who has had his name stuck in the authorisation, and he goes to the Patent Office, he knows nothing about the business.

933. Is it likely therefore that he would come forward and claim to be put on the register?—I do not know. He might be exploited by somebody. I think it is very possible that people might so exploit persons in that position.

934. How do you mean?—People might get hold of them and use their names in carrying on these reprehensible practices I have talked about.

Mr. *Bousfield.*

935. There seems to be a certain number of persons who have been acting occasionally as agents, but not calling themselves so. Do you not think it would be far better for you to drop that Sub-section 1 in Section 6 to prevent anybody doing the work. Is it not sufficient for your purposes that they shall not describe themselves as in the Act of 1888?—I think not.

936. May I call to your mind that that is sufficient in the medical profession; that is the only guarantee the public have that a man must not describe himself as a medical practitioner?—But he cannot recover any fees.

937. That is another matter. I point out to you that Sub-section 1 of Section 6 is not necessary. You do not want any more protection than the medical profession have?—I think we do.

Chairman.

938. Do you not think this line of policy would make it more difficult for us to give you the powers which you are asking for. Is not your

Chairman—continued.

object to help the Committee to deal with this matter rather than to interpose difficulty?—Undoubtedly it is, and it is in the public interest. I do not think it matters the toss-up of a button to practitioners in extensive practice, as many of us are, whether that provision remains or not; but it is a very serious matter affecting the poorer class of inventors.

Mr. *Bousfield.*

939. Only a small part, 15 per cent., taking your figures?—But then you have to consider how many there might be. For instance, in the case I spoke of from Canada, those circulars are not issued in the name of any practitioner whatever. There have been a number of cases where money for patents has been sent over, and they have never been applied for.

Chairman.

940. But that is a matter of obtaining money by false pretences. How can you prevent, by having all the powers in your Bill, a man advertising in a Canadian newspaper representing that he is able to get patents in England, and getting money on the faith of that representation?—But if he was in practice here a complaint would come to us, and we should be in a position under our Bill to institute proceedings and stop him.

941. But the difficulty is, it is clear, that there are a number of persons acting as agents, who do not describe themselves as patent agents, and who do a certain amount of patent work; you want a prohibition against those particular people, do you not?—I should, of course, be in a better position to deal with the matter if I really knew what I was dealing with; I have heard a good deal of these vague suggestions about people being in practice and so on, but I believe it is a case of a certain number of persons who quite occasionally do an odd job, and who I should say would suffer no hardship, if they are at all competent to go on the register, from being required to pass a reasonable examination; it is not preventing them from practising, but simply requiring a reasonable proof that they are qualified, remembering always that persons were not permitted to describe themselves as patent agents after the Act of 1888; legislation made it a condition then, and it is only a step further to say that as to those who were not practising before 1888, a reasonable examination should be passed, and if they are qualified they will have no difficulty in passing it.

942. But a number of people have been doing the work of patent agents, although not describing themselves as patent agents, but calling themselves patent experts or agents for obtaining protection to inventions, or similar titles; with reference to those, what is the objection if they are so few in in number, to their coming on to the register?—Without any investigation as to their respectability and so forth.

Chairman—continued.

943. Remember afterwards you are going to have power to remove them if they misbehave themselves?—No doubt, if the Committee are aware of all these cases it will be coming out in the evidence, and perhaps I might be permitted to deal with that question after the evidence showing the state of things alleged has come out.

944. We have got a number of persons asking us to allow them to come here and give evidence. We have no time to take one-half the witnesses who would like to come to that table and give evidence. Is it not better that you should meet the difficulties frankly, without putting us to the trouble of having these people here?—I desire to be as frank as possible with the Committee, but I am in great difficulty when it is put to me in that way, because I can conceive unless care be taken, what mischief will be done which we seek to avoid; but at any rate if any exception is to be made in their favour, I conceive it ought not to extend to their being permitted to describe themselves as patent agents.

945. That is quite another matter. You say you obtained a standing under the Act of 1888, and whether that should be disturbed or not is another matter?—I have not had an opportunity of sufficiently weighing this matter, nor have I had the evidence which the Committee has before it, as to all these people.

946. You are assuming the Committee has a lot of evidence; I have not said the Committee has a lot of evidence, but I have said there have been representations made to members of this Committee individually on this matter. Those representations will not of course have undue weight attached to them, and the Committee will deal with the Bills on the evidence given by the witnesses who come before it?—If I had the advantage of knowing something more about the case, I might be able to offer some suggestion. I should of course desire to do all in my power to remove any difficulty, but I am apprehensive that it will not do to take too much for gospel of what is sent in, without investigation, and that unless some care is taken, the door will be opened to a great deal of malpractice and mischief.

Mr. *Bousfield.*

947. Look at Section 3 of your proposed Act, and see whether that does not give you quite sufficient protection; the same amount of protection as the medical profession have without Section 6, Sub-sections 1 and 2?—I think not. I am satisfied it does not.

Tuesday, 29th May 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Bousfield.
Mr. Alban Gibbs.
Mr. Heywood Johnstone.
Sir John Leng.
Mr. Mather.
Mr. Nussey.
Mr. W. F. O. Smith.
Mr. Warmington.

MR. BOLTON, IN THE CHAIR.

Mr. JOHN IMRAY, called in; and Examined.

Chairman.

948. I BELIEVE you are a member of the Institute of Civil Engineers?—Yes; and also of the Institution of Mechanical Engineers.

949. You are Past President of the Institute of Patent Agents, I believe?—Yes; I was the second President.

950. I believe you have been employed as an expert to give evidence and assistance in trials of patent cases, and to give opinions and advice as to patents very extensively?—Yes, I have been so employed for a long time; since the year 1863.

951. You were one of the founders of the Institute of Patent Agents, I believe?—I was. I had felt that there was a want of association among the patent agents, and that a good deal might be done if they associated themselves together in the way of getting the patent laws improved, the management of the Patent Office improved, and of assisting each other in difficult matters, and also ensuring, if possible, a high standard of qualification and probity on the part of the members of the profession. I, therefore, waited upon a number of the leading patent agents personally, and saw them as to the formation of an association, and a former pupil of mine, Mr. Hardingham, who is now a patent agent, assisted me very much in the matter. He prepared circulars and sent them round to almost every member of the profession that we knew (there were a few omitted about whom we thought the less we knew about them the better), and called them together to form a meeting. The meeting was held, and a large number of patent agents adhered to the proposal, and elected the first president and vice-president of the council, and upon that basis the association was formed.

952. I suppose, besides the object you had in view, you considered in the interests of persons desiring to obtain patents, inventors, and the public, that it was desirable that the patent agents should be associated together in the way you endeavoured to associate them in this association?—It was solely with a view to secure the qualification and probity of the members of the profession for the sake of protecting inventors.

953. You heard the evidence, I daresay, that Mr. Lloyd Wise gave with regard to the duties of patent agents; do you agree with that evidence, or do you wish to supplement it in any way?—I think I might go a little farther even than Mr. Lloyd Wise did. For instance, there was one part of our profession to which he did not give sufficient force, I think, which is this: according to my experience a great many would-be inventors take patents in cases where they are not properly advised. A great part of our business is to advise would-be inventors, and very, very frequently I reject applications for patents on the part of clients who come to me, telling them such a thing as they wish to patent is not new, or that it would not work, or that it would not pay them, and very often my advice is taken, and instead of spending their money, they go away and think the thing over and make it better. That is a great part of our profession; and one thing I have always had in view, is to get such a high sense of honour amongst the members of our profession that they will give good advice even against their own interests.

954. I suppose that a considerable amount of knowledge is required to understand the specifications that are filed in the office, and exactitude in the way of investigation to search the registers and to trace the patents and to compare the patents?—Yes; that is all necessary; but the necessary foundation is a very full knowledge of applied science, applied mechanics, applied chemistry, and applied electricity; and unless a man has some such fundamental knowledge he is not fit to take up the profession. Besides that he must have an intimate acquaintance with the patent law, not only of this country, but of all foreign countries and the colonies; he must know intimately patent procedure, not only at home, but abroad; he must have a very large and extensive knowledge of what has been done in the way of patents, and have the capacity of at once getting hold of the salient points of an invention, so as to see whether any invention that is put before him is new, and know how it should be defined.

955. That is to say, he should not only be a well-educated man in the largest sense of the

Chairman—continued.

term, but he should have a considerable amount of knowledge such as you have referred to, with specialist information and knowledge?—Certainly. Of course a patent agent cannot be omniscient; far from it; but with a long experience of 20 or 25 years, a patent agent gets to be in the position that he can tell pretty much what has been done and what can be new and what is old.

956. But having laid down those very large requirements, I suppose you will admit that you can hardly expect that they will be more than approximately arrived at?—I do not see why persons should not pretty nearly fulfil those requirements if they give their minds to it, and I do not think persons who do not fulfil those requirements are very fit to take up the profession.

957. With those objects in view, you got Mr. Hardingham to assist you in forming this association?—Yes. I should mention that before that date occasionally some of the leading patent agents had met together, forming committees for the purpose of trying to get improvements in the patent laws and in the management of patent business, but they had never formed a regular association; it was only occasionally that a few of them met together.

958. When you made up your mind to endeavour to associate the patent agents together, what steps did you take to gather within the fold, if I may use such a term, all the *bonâ fide* patent agents who were practising?—As I have already mentioned, Mr. Hardingham addressed a printed circular to almost all the agents in the kingdom. It was sent to all those that we knew certainly; some, perhaps, might be omitted that we did not know; and a very few we purposely omitted, because we did not wish to know them.

959. Have you got a copy of that circular here?—Yes. I have here one of the earlier notes and memoranda which I would be glad to hand in.

960. If you have there the circular that was addressed to call the first or larger meeting of patent agents, that we would like to see?—I have here a table of the patent agents to whom the circular was addressed, who adhered to it, and signified the same by signing the circular, and this is the form of reply to the circular (*handing in the same*).

961. The paper you have handed to me appears to have been not the first circular that was sent out, but a circular which was sent out after you had communicated with certain patent agents and obtained their adhesion?—I cannot charge my memory with the exact details, but I think a great number of the patent agents resident in London met together without circulars being sent to them. Then after their meeting together this other circular was sent out generally.

962. This is a circular addressed from 191, Fleet-street, and signed by Mr. Hardingham, the gentleman whom you have named, and the circular is as follows: "Dear Sir,—The proposal to form an association of patent agents having met with very general approval in the profession, as evidenced by the list of names sent herewith, a committee composed of some of the principal agents in London has carefully considered the organisation of such an association and prepared a draft scheme, including the nomination of the first council, as follows: J. Henry Johnson (president), John Imray, M.A. (vice-president), Charles D. Abel, William Carpmael, William Spence, William Brooks, Alfred V. Newton, William Lloyd Wise. This scheme is now submitted for the approval of the profession generally; and in order that the same may be fairly discussed and amended where necessary, a printed proof is forwarded herewith for your consideration, preparatory to a general meeting, which you, as a subscriber of the original memorandum, are invited to attend. This meeting will be held at the Law Institution (Room No. 3), Chancery-lane, on Tuesday, 4th April," and so on. Then follow the names of 26 gentlemen, some of them residing in London, and others in Birmingham, Manchester, Newcastle, Glasgow, Leeds, and two or three other large towns?—Yes. Before the meeting there were laid a number of reasons for forming this institute, which I have just gathered from the old manuscript signed by Mr. Hardingham. Shall I read it, or put it in?

963. If you will hand it to me I will see whether it is necessary to have it on the Notes. (*The paper was handed to the Chairman.*) These are memoranda made with regard to the formation of the association?—Yes.

964. At all events, we may take it, I suppose, that you or Mr. Hardingham communicated, so far as you could, with the known patent agents in every part of the country with the view of ascertaining whether they would join in the formation of a society?—That is so.

965. And speaking with frankness to the Committee, did you endeavour honestly to gather into the association all the recognised and respectable patent agents with whom you were acquainted?—We endeavoured to gather into the association all patent agents we knew, except three or four.

966. I do not want you to mention names; but on what principle did you exclude even three or four?—One of them I knew had got 200*l.* to take out foreign patents, and he did not take any patent. That was a very strong reason for excluding him. And another one we knew had made a false signature; that was a strong reason; and the other had committed acts of a similar kind that we thought dishonourable, and we would not have him with us.

967. When you finally formed the association and established your constitution, how many patent agents were there who agreed to join?—I think 48 at first.

968. Did you extend your operations beyond the class of persons known as patent agents taking out patents; that is to say, did you extend it to any of the kindred branches of the work connected with obtaining patents, such as trade marks registration?—At that time there was scarcely anything done in the way of agency for trade marks or designs. The patent agents generally did that business when they were called upon to do it; so that there was no reason to extend it as suggested.

969. Patent agents undertook that work as forming a subsidiary branch of the larger patent work?—That is so.

970. What was the constitution of your institute in the first instance?—In the first instance, we prepared a memorandum of association, and registered

Chairman—continued.

registered the institute under the Board of Trade in the regular way.

971. Under the Companies Act?—Under the Companies Act.

972. Under the provision giving the Board of Trade power to dispense with the term "Limited"?—That is so.

973. That is to say, a company limited by a guarantee?—Yes. Then we proceeded to carry on our business according to the articles of association; that is to say, we had meetings; we read papers; we consulted with one another, and helped one another in all difficult matters; a thing which was never done before. I was applied to, for instance, to take out a patent, we will say, in New Zealand. I had never taken a patent in New Zealand, but I knew of some other agent who had done so and had gone through the forms. He, being a member of the Institute with me, readily and cordially gave me information and assisted me; and things of that sort were done every day; we hold out a hand to each other and assist each other.

974. We quite appreciate the advantage of such an Institute to the members belonging to it; but, of course, our inquiry is directed to the question whether Parliamentary powers should be granted with a view to constituting patent agents a separate profession with a register and other privileges?—Of course one of our great objects was to secure for the profession men of high qualification and great probity, and we could not see our way to do that in any other way than by getting something in the shape of a roll or register.

975. Then afterwards, I understand, you applied for, and obtained, a Royal Charter?—We did. I should tell you one reason for that was this: that we had strongly urged upon the Board of Trade and influential persons the necessity of having a roll or register of qualified persons to act as patent agents; and it was very strongly urged upon us, on the other hand, that unless we got a Charter we were not in a position to do anything with that roll. It was really for that reason that we applied for and got the Charter.

976. In what respect does the Charter place your association at an advantage over an association under the Companies Act associated in the way you were associated before you got the Charter?—I am afraid I am not lawyer enough to tell you the difference; but we were told it would be a great advantage to have a Charter.

977. I believe you have not only in the Institute the full members, whom you call Fellows, but you have Associates?—Yes.

978. Consisting of barristers and solicitors, and others whom you elect to that position?—Yes, and men of science.

979. You have also foreign members of the Institute?—Yes, a large body of foreign members; and we have also, as graduates, young men who are training for the profession, who get all the advantage we can give them in the way of information. Of course the advantage we can give now is not so great as we hope it will be; because our library is only beginning as yet, and has not yet had time to become enlarged, as we wish it to be.

Chairman—continued.

980. When, in 1888, the Act was passed amending the law with regard to Trade Marks, and there was a provision in the Act establishing a register of patent agents, and forbidding persons to describe themselves as patent agents who were not on that register, what steps did you take to assist the Board of Trade in giving effect to that clause of the Act?—The Board of Trade practically applied to us to assist them, and we very cordially did so. In fact, they put it to us whether we, as an already constituted body, should not be the guardians of this roll or register and take charge of it. They themselves could not do it, and they practically asked us to do it, and we consented to do it. They asked us about the fees for registration, and at that time we had no conception of how many names would come on the register, and therefore the fees were settled upon the consideration that there would be only a few, and that those few would have to pay for all the expenses. Since that the number has very much increased, and I believe the fees could be reduced with advantage.

981. Therefore you took charge of the register, and appointed a gentleman to keep it, at the request of the Board of Trade?—Yes; we appointed our own secretary (because he was with us, and had access to all the materials) the first registrar, and he is registrar still.

982. The Act provided that all persons who were *bonâ fide* practising as patent agents should be entitled to be registered; what steps did you take to put on the register all persons who were *bonâ fide* practising?—What was done was practically this: persons who wanted to be put on the register applied to the Board of Trade, stating the circumstances under which they applied; the Board of Trade sent the information to our council; we had a committee appointed, who investigated these matters, and reported to the Board of Trade as to whether they thought the claim was properly founded or unfounded; and then the Board of Trade acted upon those reports.

983. Was there any formal public announcement made that there was any intention of the Board of Trade to compile this register?—I believe it was advertised in the "Patent Journal"; at any rate it was widely known. Our disciplinary committee, who had charge of the matter, objected to a great extent to many men who claimed to be on because they had, perhaps, done one specification, or half a specification, before the time appointed. We said that did not constitute a man a patent agent. However, the Board of Trade opened the door very widely, and admitted almost anybody who had touched a patent before that date.

984. Do you know how many people applied to be registered?—I cannot very well tell. This was the notice I think that was given about a year after the register started (*handing in a paper*).

985. This appears to be a caution?—Yes; it was only giving notice that they could be registered.

986. That was a notice given a year after the Act, I understand; what I am asking is what public notification was given that either the Board of Trade, or yourselves in co-operation

Chairman—continued.

with the Board of Trade, were forming this register of those who had been in practice as *bonâ fide* patent agents prior to the Act of 1888?—My belief at this moment is that it was advertised very fully in the "Patent Journal."

987. You believe, and you wish us to understand, that soon after the Act of 1888 passed the Act became well known, and it was well known that a register was being compiled, and you think all persons who were *bonâ fide* patent agents were acquainted with the fact, and that they could, if they had liked, have sent in an application to be put on the register?—Yes; I believe most of them did so.

Mr. *Heywood Johnstone.*

988. There is no limit of time to their doing so, is there?—No.

Chairman.

989. That would be so, subject to the question whether they must not prove that they were *bonâ fide* practising before the year 1888?—Yes. I am inclined to think on second thoughts that the Act itself was printed in the "Patent Journal."

990. What was the object of this register?—The object of the register was if possible to confine the profession to men that were qualified in respect of knowledge and experience and qualified in respect of probity.

991. Where do you find that stated?—There is nothing stated in the Act, except that it is desirable to have a register. I fail to know what advantage the register is if it is not for serving that purpose.

992. One advantage of a register, according to the Report of the Departmental Committee, was that people should know who were practising as patent agents; was not that so?—No; I think it is to know who were qualified to practise as patent agents. That is how I read it.

993. It was suggested, I think, in the Report of the Departmental Committee, or, at all events, in the evidence of some of the witnesses if not in the Report, that it would be desirable that people applying for patents should know who were the persons who were practising as patent agents?—Yes.

Mr. *Mather.*

994. The next paragraph of the Report says: "We think, however, that it would be of public advantage to provide a means of securing a roll of patent agents consisting of duly qualified persons, the admission to which should be possible and easy for all persons so qualified"?—Yes.

Chairman.

995. But the Act of Parliament does not do more than provide for a register of those persons who were *bonâ fide* practising as patent agents at the date of the Act?—It does no more than that; but it gives the Board of Trade power to establish certain rules by which to carry on that register.

996. Where is that?—I think it is in the second sub-section.

997. That provides that the Board of Trade may make general rules; but those rules are

Chairman—continued.

only such as are required for giving effect to the section?—Yes; to give effect to the Act, I imagine.

998. The words are, "required for giving effect to this section," and this section is confined to the establishment of a register only?—Yes.

999. Therefore, to give effect to it would mean the form of the register, the contents of the register, the way it should be compiled, and the way it should be maintained?—Of course that is for the Board of Trade to determine. They sent out certain rules, which did a good deal more than that.

1000. At all events, the Board of Trade and yourselves interpreted this to mean that they were to put on this register only persons who were *bonâ fide* in practice before 1888, and persons who had proved their qualification to be patent agents?—Yes. If the sense of the section were confined as you suggested, there were no means of carrying the register on after the present generation is done; that is to say, if you could only put on to the register those who were *bonâ fide* in practice before 1888.

1001. I have not suggested that; I say all patent agents who were in practice before 1888 would have the right to be on?—Yes.

1002. And then afterwards there might be some qualification imposed?—That is what the Board of Trade laid down.

1003. The Board of Trade interpreted, and you interpreted, that section as giving them the power to establish a test by examination?—Yes, amongst other things.

1004. And they delegated in effect by their rules the duty of holding examinations for candidates to be put on the register, and keeping the register, to you, or to a registrar appointed by you, and authorised you by their rules to charge certain fees?—Yes.

1005. How did that work?—It has worked perfectly well; I know of no reason against it.

1006. We have had evidence as to the number of persons who applied for examination, and were put on the register?—Yes; I think 22 out of 28 passed the examination and were put on the register.

1007. We have it in evidence that it went on more or less satisfactorily (your Institute think very satisfactorily) until Mr. Lockwood, in Scotland, disputed the power of the Board of Trade to make the rules they had made?—That is so.

1008. I believe you instituted certain prosecutions during this time against persons who had described themselves as patent agents, without being on the register?—Yes, in four cases, I think.

1009. One of the cases, I think, is reported in the authorised reports of the Patents, Designs, and Trade Marks cases; it was the case of Graham *v.* Fanta?—Yes.

1010. There the case was this: A complete specification was lodged, signed, "F. Fanta, agent for applicant." F. Fanta, who was not registered as a patent agent, was "prosecuted for unlawfully and knowingly describing himself as a patent agent. The magistrate dismissed the summons, but stated a case for the Court. Held, that F. F. had not described himself as a patent agent, and the case was dismissed with

Chairman—continued.

with costs." Mr. Justice Hawkins, in giving judgment, said: "If it were necessary that every application should be made through a patent agent, and then he was describing himself as 'agent' without using the word 'patent' even, I should say that he intended to convey that idea by stating that he was acting as agent; but when not being a patent agent necessarily, and acting as an ordinary agent, he may make the application. I do not think it follows that a man is doing anything wrong when he is describing himself merely as what he is; that is, as agent. He certainly could not be fined 20*l.* merely for doing that," and Mr. Justice Collins concurred. That case amounted to this: that those learned judges considered that the Act only prohibited a man holding himself out as a patent agent doing general business for persons desirous of getting a patent, and did not prohibit anyone acting as agent for an individual applicant?—That is so; the Court so held.

1011. That was the effect of it?—Yes. I should mention that the Board of Trade in founding these rules, and in putting the thing into our hands, were themselves the principal parties to getting the Act passed, and, therefore, they knew exactly what was meant.

1012. We have not, of course, to interpret the Act of Parliament by what we are told the Board of Trade desired in connection with the Act, or what the people who carried the Act through desired; we can, of course, only take the Act as it is interpreted by courts of law?—I do not think the judges quite understood it either.

1013. Did you find that the institute carried on its work successfully, so far as exercising discipline over patent agents was concerned?—Yes. Several registered patent agents committed acts which we thought were unjustifiable, and we took them before committees of the Board of Trade, so as to have the matter adjudged. The Board of Trade has been very lenient with them, and has passed many cases which, perhaps, we should not have passed; but at any rate they have turned out one man for malpractices.

1014. I suppose the Board of Trade considered that it was a little doubtful whether there was any power to remove the men from the register?—Perhaps so; but they have exercised the power to remove in one case at any rate.

1015. That was for some criminal act, or for something equivalent to a criminal act, was it not?—Yes, for some sort of embezzlement.

1016. With regard to examination you have held of candidates who have come up for entry on this registrar, do you think that that examination in all its bearings was necessary?—I think so. What we have done practically is this. We have selected three subjects; first of all, Patent Law and Procedure; secondly, Applied Science, and, thirdly, the more intimate knowledge of the practice of Patent Law. We have always employed a barrister to conduct the legal part of the examination, scientific men have conducted the scientific part of the examination, and one of our own number has conducted the patent practice part of the examination. That seems to have worked very well. The candidates have, on the whole, passed very creditably. We have had complaints from some people that the examination is not strict enough, and from other people, that it is too strict, so that between the two I think we have hit a very good medium.

Chairman—continued.

1017. Has there been any general dissatisfaction with the examinations which you have instituted?—None; I have heard of no dissatisfaction with anything, except with the paying of the fees.

1018. Are the fees heavy?—No, they are not very heavy; I mean the registration fees. The only objection has been to paying the fees.

1019. I was not speaking of the registration fees, but I am referring particularly to the examination?—There has been no complaint that I know of at all.

1020. We have had it in evidence that the standard of examination was, to a certain extent, lowered in its character between the early examination and the subsequent one, that certain subjects were omitted?—That has not lowered the character; it is only rather abridging it; the examination is very much the same now as it was originally.

1021. You have not had many cases of complaints as to the examination being too severe, or unnecessary in some of its aspects?—None whatever; but several of the examiners have expressed the opinion that we are too lenient.

1022. We know that a certain scholastic qualification was required, and we know that a certain scientific qualification was required; but did the examination take a practical turn?—A purely practical turn, I think; that is to say, for instance, taking the part of the examination which more nearly related to our profession, the questions there are put as to matters that occur every day in the patent agent's office, and have to be met every day. Then as to the scientific part, those things ought to be known; otherwise a patent agent is not worth his salt. And the same with the law part of it; he ought to know the laws relating to patents. He also ought to have a good knowledge of cases which have been decided; without that he is not fit to act as a patent agent, any more than a doctor is fit to act who has not passed through certain studies.

1023. You have endeavoured to make your examinations not only theoretical but practical?—Thoroughly. I reckon the whole of them to be thoroughly practical; because, for instance, the scientific part is not merely theoretical, it deals with the ordinary facts and laws of science.

Mr. *Mather.*

1024. It is applied science and not theoretical?—It is applied science, not theoretical science at all.

Chairman.

1025. You considered the examinations afforded a reasonable test of a man's fitness to do the work that would be entrusted to a patent agent?—Yes; that is to say, I consider the men that pass our examination, after they have had some experience, might be very fair patent agents; of course without experience they cannot be.

1026. Of course we quite understand that junior members of the profession would get considerable advantage by having experience in the

Chairman— continued.

the practice of it?—No doubt. As to the other qualification, namely, probity and integrity, that can only be tested afterwards and dealt with afterwards.

1027. As to the charges that were made for entry on this register and remaining on the register, you admit, I think, that those might be reduced?—Yes, I think so, now that there are such a large number; but at first we did not know what number there might be, and therefore the Board of Trade established fees which they thought would be sufficient to cover the expense. That is what it practically came to. The number being very much larger than we expected, of course the fees might be fairly reduced.

1028. In connection with the working of the register, your association have at present to a certain extent control over the register, and if you get an Act of Parliament containing powers such as you suggest in the Bill you are proposing, you will have very much greater control over the register. Having regard to that, do you not think that it is rather a strong proposition to ask that the whole matter should be practically entrusted to your institute, when it represents only 70 out of 240 of the patent agents, and, for aught we know, out of a larger number who are not registered patent agents?—No, I think not. Though the numbers are comparatively few, the work they do represents a very much larger proportion of the work done; it would represent much more than half of the total patent agency work done. Then there is another thing. We do not exercise now any power over the register, except looking into the character and actions of the agent and then putting the matter before the Board of Trade.

1029. Under the Bill which you are proposing you would acquire very considerable powers; you are coming to us to ask us to confer greater powers upon some authority (yourself, you suggest) so as to make the profession more within the lines of an exclusive profession, a recognised profession?—Yes. The Board of Trade wish to get rid of all responsibility, and wish us to take up this duty. We would rather not have it, I can assure you; for the time and trouble it gives us as members of the institute is something very considerable, and we get no profit from it.

1030. I quite understand that; but do you not think that it is, as I say, a strong proposition to hand over the whole profession to a body such as the Institute of Chartered Patent Agents that consists of only 70 out of a profession of 240 on the register and some others who are not on the register?—I will put it in this way: The register, if it is to be kept at all, must be kept by somebody; the Government do not like to keep it, and you must get somebody, or person, or set of persons, to keep the register. The institute contains within itself the principal practitioners and the largest practitioners in the kingdom. Those that are not in the institute do not have nearly as much work as those who belong to the institute and they are divided amongst themselves.

1031. But I am sure you are too much of a man of the world not to realise that the proposition to hand over the profession to a limited

Chairman—continued.

small proportionate number of the whole profession, and which consists of the larger practitioners only, is not a practical proposition?—I do not see any better arrangement that you can make, I am bound to say. Our institute is not all exclusive; we are prepared to admit any number of gentlemen who like to come in if they are fit.

1032. You constitute yourselves the judges of the fitness?—We have refused nobody except two men who were blackballed for good reasons.

1033. Would you be prepared to open the doors so as to admit all *bonâ fide* patent agents? We provide in the Bill for opening the door without any control whatever. One section of the Bill says that an outside independent committee shall be appointed; that they shall be the committee of election to elect into the institute whomever they please. That is surely not making it exclusive.

Mr. *Mather.*

1034. It is not in the Bill quite in that form, I think; it is not quite so wide as that, is it?—I think it is.

Chairman.

1035. It is the appellate tribunal you are referring to?—We are prepared to make it as wide as that.

1036. Is not it a difficulty that should be faced, assuming that it is to be treated as a profession, that you are proposing to hand over this body to little more than a third of the members of the profession?—When you speak of handing over the register, I suppose it exclusively applies to handing over the fees.

1037. These fees you had been taking until the case of Lockwood, had you not?—We have not used a farthing for our own purposes. The only purpose they have been used for is to pay the rent, the registrar's salary, and the costs of examination and of prosecutions.

1038. I do not suggest for a moment, and I presume you do not suggest, that you would under any circumstances use these fees for your personal advantage?—I mean we have not used a farthing for the purposes of the institute. Not a single farthing has gone into the coffers of the institute in any way whatever. We are quite prepared to do what we do now, namely, to put the whole of these fees into a suspense fund, if you like, from which is to be drawn only those expenses that are necessary for the register.

1039. Would it not be possible to broaden your institution so as to embrace in some form or another within it all the registered patent agents?—We should be very sorry to embrace them all.

1040. If they conduct themselves respectably, what is the objection?—If they did so it would be another matter.

1041. You are going to take powers of discipline; if they do no not conduct themselves properly there is to be power to remove them from the register. If that power be conceded, what objection is there to embrace in some form

or

Chairman—continued.

or another within the scope of the institution, all the registered patent agents, or to give them an opportunity of coming within the scope of the institution?—I think the two things should not be mixed up at all. The register may be kept, and kept by anybody for what we care. The institute is of such a nature that if we admitted everybody into the institute, it would not be worth having at all. We want to mark by the institute men who can be recommended as holding a proper position in the profession.

1042. But do you not see the difficulty of giving legislative power to carry out that object?—We want no legislative powers to carry on our institute. The only legislative power we want is to confer by statute powers which the Board of Trade have already conferred in regard to the management of the register.

1043. A suggestion came from an honourable member of this Committee now present, in the first instance that possibly if all registered patent agents who are not members of your institute were in some form associated with the institute, so that they would have a voice in the election of the governing body; not a preponderating voice, but a voice; that would possibly remove the objection that might be suggested to allowing the register to remain under your institute?—We should be quite prepared to give all outside agents, I mean those who are not members of the institute, power to have a vote or a voice in all things appertaining to registration. We do not want to give them a voice in anything appertaining to the institute. It is a different thing.

Mr. *Allan Gibbs.*

1044. And also as to discipline?—My impression is, and I have always been strongly under that impression, that a Committee should be formed consisting of independent persons, to whom all matters of discipline should be referred.

Mr. *Mather.*

1045. That Committee might be composed of some representatives of registered patent agents not members of your institute, and some of your own members?—I suggest a Committee something like what we suggest in the clauses in our Bill; that is to say, that there should be a member of the institute, a member of the outside profession, a barrister, a civil engineer.

Chairman.

1046. That is the appellate tribunal to sit in judgment over the action of the disciplinary Committee of your Council?—Yes.

1047. But the suggestion which came from the honourable Member was that on your Council should sit a certain number of these outside registered patent agents for these registration purposes?—Yes, for the purpose of registration I see no objection to it. Of course I cannot speak for the body at large, but that is my own opinion.

1048. You must appreciate the difficulty there is in practically handing over the control of this register, and the discipline of a number of men who are earning their living in this particular work of the "profession," to use that term, to an

Chairman—continued.

institute or society, chartered though it may be, consisting of less than one-third of the whole body, with respect to whose doings the rest of the profession have no control or power?—The objection or difficulty is much more imaginary than real. I do not see anything whatever that the institute can do to affect the position or status of one of these registered patent agents as long as he behaves himself.

1049. Why should the Legislature give these 70 patent agents any special statutory status or authority which it withholds from the remaining 200?—Simply because the institute is a body of established practitioners of high repute, who do more business than all the other ones put together. Therefore they are a fairly representative body of the whole profession.

1050. But does that give them any claim to ask the Legislature to give them power to interfere with the business and control the action of others?—We do not propose to interfere with the business and control the action of other people. All we say is this: There is the register to be kept, and we will prosecute or bring forward for prosecution any persons on the register if they are guilty of improper conduct. There is no "control" in that.

1051. If you read your Bill carefully through, you will see that practically it does give your institute an enormous power of control?—Let me take the parallel case of the Incorporated Law Society. About half of the solicitors, or less than half, belong to it, and yet they have complete control over the whole profession.

1052. And the Incorporated Law Society have been continually urging solicitors who do not belong to it to join?—So have we been urging people who do not belong to the institute to join us.

1053. They have never set up any standard of exclusiveness?—Nor have we; it is an utter misapprehension to suppose we have. Our doors are open to admit any respectable man who likes to apply. I can assure you that that is the case. I dare say you saw the other day the number of adhesions sent in from outside agents. Forty outside agents, who are not members of the institute, have said they quite approve of our Bill and of all we are applying for. An outside patent agent called upon me the other day, and said, "I have sixteen men ready to come in to your institute, provided you do one thing, which is this, that if a man is to be turned out for disgraceful conduct, some tribunal should settle it over and above your Council." I say we are perfectly willing to do that. We do not want to settle it; we would much rather have the thing taken out of our hands.

1054. If that is so, what is the difficulty in framing some scheme which would give the bulk of the patent agents the opportunity of associating themselves in some form with your institute?—We should be very happy to receive them. There was never a question about it till this question of Lockwood arose, and since then the whole thing has been purely a question of fees, and nothing else, I assure you. We opened the Council to receive deputations from outside patent agents, and we had a deputation from a body calling themselves the Society of Patent

Agents,

Chairman—continued.

Agents, or a committee, or something of that sort, but we do not know to this day who they are. They attended before our Council, and we asked their complaint and they could not formulate one.

1055. We shall probably have an opportunity of hearing what they have to say here?—We do not know what we are fighting.

1056. Do not you think some scheme could be put before this Committee which would have the effect of giving some representation to the general body of patent agents outside, besides those within the institute?—I think it is quite possible that some such scheme could be devised; it has not, so far as I know, been yet devised. The honourable Member opposite me has certainly suggested a scheme which I think, so far as regards the register, might be very fairly worked out.

1057. This Bill, which has been brought in by the honourable Member for the West Division of Monmouth, I suppose, represents fully and completely the wishes of your institute?—It has gone through a great many editions.

1058. Have you anything to say by way of explanation of its provisions?—If there is any section to which you would call my attention I shall be very glad to refer to it. I may perhaps say that if that section to which I alluded before were carried into effect, I should think at least fifty to seventy-five per cent. of the total number of agents would become members of the institute.

1059. There is no doubt the effect of this Bill will be to stimulate a number of people to join the institute; it must have that effect; that we assume?—Yes.

1060. With regard to the persons now practising as patent agents, there are some persons, are there not, practising as patent agents who are not registered, and who possibly might have a difficulty in being registered, because they were not in practice before 1888. That is to say, they have come into practice as patent agents since that date?—Yes; there are no doubt a good many.

1061. If we are to start a register, and make it an effective register with full control, do you not think it would be fair that we should give these persons an opportunity (if they are respectable men) of coming upon the register?—If they have been *bonâ fide* practising as patent agents.

1062. I mean without putting them through a scholastic or other examination, putting them on upon the same terms as those men were put on who had been in practice before 1888?—Of course those who were put on when the Act of 1888 came into force had been making a living by practising as patent agents before that Act, and it would have been very hard to have prevented them from continuing to make their living; but it is a different case now. Since 1888, if men have been practising without being on the register, they have been so practising against the law.

1063. Not if they abstained from calling themselves by one designation, viz., that of patent agent; is not that so?—That is the way the law is interpreted; but that is not the meaning of the law.

Chairman—continued.

1064. That is the decision of the courts; we can only take the law as the courts of law have settled it to be?—That decision has not been appealed.

1065. We must take the proposition enunciated by the Judicial Bench as the law until the case is appealed?—Yes.

1066. The decision came from two judges of considerable eminence, sitting together?—I think it would be to a considerable extent unjust to those men who have come under examination that you should admit these men you refer to without any examination.

1067. Is the injustice you suggest such as should stand in the way of establishing a practical scheme for constituting this profession?—No, I do not know that it should.

1068. Therefore, if the Committee were to entertain the proposals which are embodied in this Bill, you see no objection to allowing men of respectability who are *bonâ fide* practising as patent agents, who were not practising before 1888, but who have come into practice since 1888, to be put on the register without putting them through examination?—That is a matter purely for the Legislature. For my own part, I should certainly object to it very strongly, because I think it would do away with all the advantage we have got.

1069. How could it do away with all the advantage you have got, if you, who are on the register, do such an enormous proportion of the business, and there are so few of these persons who would come in?—You must take it for granted that it does not affect those in the institute how many come on the register. If a thousand were to come on to the register it would not affect them.

1070. You propose in the Bill that we should not only forbid a man to call himself a patent agent, but that he should not take "the title of agent for obtaining patents, or patent registration agent, or patent attorney, or patent expert, or inventors' agent, or any name, title, addition, or description, stating or implying that he is a patent agent, or that he is a person qualified to act as a patent agent, or uses on his place of business or elsewhere, the words 'patent office,' 'office for patents,' 'patent agency,' or any other words implying in any way that he acts or practises in any part of the United Kingdom as an agent for obtaining patents"?—Yes, we go further, and say, not only shall he not take those names, but he shall not act as if he had those names.

1071. And that he shall not be entitled to carry in specifications, or act as a patent agent?—Yes.

1072. If you are going to have any such highly drastic prohibitory provisions as these, surely you must open the doors (before you shut them) wide enough to admit persons who have been honestly and respectably doing work which would come under these additional denominations?—I have not heard that there are any such persons, to begin with.

1073. But assuming there are?—If there are, say, half a dozen, we should not care about them one way or the other, I suppose.

1074. Then you concede what I am suggesting?—

Chairman—continued.

ing?—As a matter of principle I do not concede it. Perhaps, as a matter of expediency, it might be wise to do so; but as a principle I should certainly not concede it, because the whole object is to keep the profession sound and pure, as well as capable.

1075. But you will, of course, see that that can much more effectually and effectively be carried out when you have got your register established and in working order?—It is so now. It is in thorough working order, and has been for the last five years.

1076. But it is not a complete register?—No one who has applied to get on to it has been refused.

1077. But you have to come to us to ask for fresh powers?—To keep on the same register that has been kept on hitherto.

1078. Have you anything further to add to what you have said with regard to this Bill?—I do not think I have anything further to say.

1079. Have you anything to say with regard to the other Bill that has been promoted by the Society of Patent Agents?—I do not think they like it themselves, so it is not much use my fighting against it.

1080. Have you anything to say with regard to it, because you are an authority, and we are anxious to obtain your assistance?—I certainly consider the Bill promoted by the other people to be quite out of the question on many grounds.

Mr. *Mather.*

1081. As a matter of fact has not the Board of Trade, that is to say the Government, practically constituted your institution up to the present time the sole arbitrators as to those who shall be registered?—No, that has not been so at all.

1082. I mean under their rules?—No, because many cases in which we have said that registration should not be granted have been appealed to the Board of Trade, and the Board of Trade have granted it.

1083. The Board of Trade have granted the appeal to be put on the register against your decision notified to the Board of Trade that such-and-such a person was not fit to be registered?—Yes.

1084. Have the Board of Trade under such circumstances given you any explanation of their conduct?—Yes, there has been always communication passed to and fro between us and the Board of Trade. Our discipline committee, to whom the applications were remitted, reported to the Board of Trade that so-and-so was not worthy or had not complied with what was required by law to be registered, and the Board of Trade have communicated to us what they have finally decided.

1085. Did you hear Mr. Hopwood's evidence on behalf of the Board of Trade?—Yes.

1086. He intimated to the Committee that the Board of Trade felt themselves to be in extreme difficulty when such a case arose; that they had no knowledge and no experience to constitute them the proper judges on the matter, and they generally took the case as it stood and allowed it to pass rather than make a close examination into the merits of the case?—They allowed the application to stand.

Mr. *Mather*—continued.

1087. They therefore did not sanction your desire that registration should not be accorded?—That is so.

1088. With that exception the general rules that the Board of Trade were enjoined by Parliament to make by the Act of 1888 were practically committed to your care?—Yes.

1089. I presume they were framed to a great extent after consultation with your Institute?—Not very much, I think. As to the details there was a good deal of consultation.

1090. The gist of this Act of 1888 is contained really in Clause 3, that the Board of Trade shall undertake the responsibility on behalf of Parliament for examining into the applications of those who desire to become registered agents, and must themselves be convinced that these men are *bonâ fide* practising patent agents before they can be put upon your register?—Yes.

1091. Is there anything in Clause 3 of the Bill you are now promoting other than a larger development of the meaning of those words than what has been held hitherto to be the meaning of the words in the Act of 1888?—That is all; it is merely putting in words what we thought was the meaning.

1092. I presume you regard it from this point of view, that whereas under the Act of 1888 the Board of Trade had to take the whole responsibility of working out the details as to the description of what does constitute a *bonâ fide* patent agent and so on, when this Act becomes of non-effect and is replaced by the proposed Act you are bound in the new Act to give words which precisely carry out all that the Board of Trade means by the rules it has formed hitherto?—Yes.

1093. That is all you mean?—That is all we mean.

1094. The honourable Chairman examined you a good deal upon the point of what constitutes a *bonâ fide* patent agent, and that appears to me to be a point upon which we are now pretty nearly all agreed (that is to say, the Committee, yourself, and the other witnesses) and it comes to this: that an agent who has practised in the technical and practical sense of the words has taken out patents, has been an adviser concerning patents and has been regarded by the profession as a competent patent agent, as a *bonâ fide* patent agent, that person, wherever he may live or practise, in your opinion, is a fit and qualified person to be registered, and you would welcome such a person as a member of your Institute if he pays the fee?—Yes, we should.

1095. You have said, if I understood you were right, that for two or three years at least after the Board of Trade made the arrangement with you, that you should practically carry out all the work for them with regard to registration, there was no hitch in the proceedings as between your institution and the applications of various agents throughout the country to become registered?—Quite so.

1096. Have you had no complaints except from one or two persons who thought they were excluded on account of some ignorance or some want

Mr. *Mather*—continued.

want of moral character?—No; in fact we excluded or tried to exclude none, except on the ground that they had not been *bonâ fide* practising as patent agents.

1097. Was there any complaint made to you as to the amount of fees you charged for the examinations?—No.

1098. Or as to the amount of fees you charged for registration?—Never a complaint.

1099. I presume your institution thought the Board of Trade had a perfect right to sanction the fees which you said would be required for registration purposes?—I imagine so, and even in the decision of the Court of Session one of the judges said it is obvious there must be some fees charged.

1100. The form of the Act of 1888 appears to be such that there was no mention made of any fees?—Yes.

1101. Therefore it was taken as a power under the Act though it was not specified in the Act?—Quite so.

1102. Have you any reason to believe that the action of your Institute under the regulation of the Board of Trade gave satisfaction to all the members of your professsion, whether they came in *en bloc* at the time when you scooped them all in by passing these regulations or whether they came in after; was there any manifestation of feeling at any time on behalf of those who were not members of the Institute, that the Institute itself was asserting a power or authority or using a monopoly which they thought irksome to the profession?—I never heard of a complaint till the Lockwood case came on.

1103. Can you explain how it is to be assumed that the Institute will have any greater monopoly under the Bill, assuming it to pass, than they have enjoyed under the regulations of the Board of Trade?—We will not have a bit more monopoly. I say if thousands were to come on to the register it would not make a bit of difference to the Institute in any way.

1104. Has your action under these regulations of the Board of Trade rendered your profession, so far as you can judge, in the estimation of the public and of inventors one of a more trustworthy and reliable character?—I think upon the whole it has. I remember very well before the Act of 1883 was passed (that is the present patent law) there was a good deal of discredit thrown on the profession of patent agents, and in fact Mr. Chamberlain put it forward to a certain extent that he wanted to make the new law such that people could take out their own patents without being robbed by patent agents. There was a good deal of talk of that kind, but I have not heard that repeated for many years.

1105. Within your knowledge are there many cases of inventors having had their inventions, or what might become their property in the way of invention, seriously damaged by the manner in which they had been handled by patent agents before the Act of 1888?—Yes; and I do not say that there may not be many people damaged yet, because patent agents are but men after all; they are fallible, and though they do the best they can to make a sound specification it does not follow they always succeed.

Mr. *Mather*—continued.

1106. Do you think, from your own experience as a patent agent, the public are now making demands upon you in relation to inventions of a more complicated and more subtle and in some respects of a much more scientific character than was the case 10 or 20 years ago, and therefore requiring more reliable and competent men to deal with the questions put before them?—I think that is so, and especially for this reason, that the field of broad fundamental inventions is pretty well filled up, and the new inventions must be to a greater extent matters of detail which require an amount of acumen and knowledge which the large broad inventions do not require, and therefore I think now a patent agent wants to be a much more highly qualified man than he had to be before.

1107. Does it not frequently happen that in an application for a patent by an inventor or a would-be inventor in this country the question is asked, when the agent is communicated with, whether such-and-such ideas and such-and-such combinations of things have been made heretofore, and whether the agent will advise as to that being the case?—That happens every day; it happens to me (and I suppose to many other agents) that persons come to have a specification drawn, and I turn round and say to him, "That is as old as the hills," and I send him off.

1108. Consequently it is a patent agent's duty, if he is an honourable man and a man who has a pride in his profession, and desires that his profession should become more and more respected by the inventing public, as a young man, at any rate, learning his profession, to endeavour to get as wide a range of knowledge of manufacturing processes and all the applications of science to almost every branch of industry as would enable him to become at all events a fairly good general judge (without being a highly scientific expert) as to whether a thing is novel or not?—It is of course desirable that every patent agent should have a very extensive knowledge, as well as a good head and a good power of definition. He has to define the rights that the patent is going to confer in the specification. That power of definition is the great point, and where, I think, there is great deficiency.

1109. Suppose this Bill passes and you become the final judge as to who is a *bonâ fide* patent agent, will not the tendency be in making your rules and regulations in future, and also from time to time in altering your examinations, to increase the sort of training that would lead to the possession of these qualities?—Yes; it will be, if possible, to put a higher standard on the profession.

1110. Your Institute, as I understand, has no other object in promoting a Bill of this kind than really to carry out more efficiently the work it was invited to do by the Board of Trade?—It has no other object whatever; in fact, if I were to consult my own feelings, I would rather not have the Institute take up this question of registration, because it takes up a great deal of time and gives us a great deal of trouble.

1111. I presume, while you are the *élite* of the profession as members of the Institute, you have a good time of it, being so select and so few, as compared with what you might have if your numbers

Mr. *Mather*—continued.

numbers were doubled, or trebled, or quadrupled, because inventors who desired to have the very best advice they can get go to a member of the institute, I presume?—A good many do. To take our case, we have about 500 or 600 British patents every year, but I refuse I should think quite half that number, that is to say I might take half as many more.

1112. I have had experience of that in the fact that you have refused some of my applications?—I daresay I have. If a man comes to me and tells me he wants to take a patent for what I know is not a new invention, or is one that will not work, or is absurd like a patent for perpetual motion, I think it is practically dishonest to let him take a patent. In many cases where I have refused to do it the man being sanguine, as inventors are, has gone to another agent to get it taken. I do not think that an agent who takes a patent in such a case is a respectable man.

1113. If you come under this proposal you would come into the possession of powers which you say the Act of 1888 was intended to give to the Board of Trade, but which I presume it did not give, namely, full power of jurisdiction over those who have become registered patent agents, that was the intention of the Act of 1888, was it not?—Yes, I think so.

1114. Following the Report of the Committee of 1887?—Yes.

1114.* The Act was to provide protection to the public as a whole against any persons practising as patent agents who were not *bonâ fide* patent agents?—Yes.

1115. The Board of Trade have defined, or you have yourself defined, a *bonâ fide* patent agent as a man of experience and knowledge who has been accustomed to do the work, and who may be relied upon by his fellow patent agents as being a trustworthy man to conduct work in connection with the profession?—Yes.

1116. What you seek under the present Bill is to obtain the full power which this Act of 1888 did not give you?—Yes; our whole object is to protect the public.

1117. We heard from Mr. Hopwood that the Board of Trade did not consider this Act in itself sufficiently definite to enable them to give you power to carry out even the terms of the Act; that is to say they could not themselves either define these *bonâ fide* patent agents except in the widest possible, and I may say, almost loose terms, and therefore, only while conferring upon you the duty to keep the register they could not confer any power beyond what they had themselves?—Yes; and therefore, as they felt that difficulty they rather erred upon the side of mercy by letting in a good many people who were not *bonâ fide* patent agents.

1118. The only thing which it was suggested they did beyond their power was in allowing you to levy a three guinea fee for registration; that power has been disputed in the Court of Appeal, and therefore under this Act matters came to a deadlock?—Yes, the matter came entirely to a deadlock.

1119. Therefore the Act of 1888 is found to be quite inadequate to deal with the circumstances that arise in connection with the registration of *bonâ fide* patent agents?—That is so.

Mr. *Mather*—continued.

1120. In the Act you are seeking to promote, may the Committee understand that the promoters are prepared to make such alterations in certain clauses as would qualify, to some extent, the exclusive power which the committee of your institute, under this Act as it now stands, would appear to demand?—Certainly.

1121. I think Mr. Lloyd Wise admitted, and I think you have incidentally admitted, that as the Act now stands, the sole arbiters in future would be a committee of the members of the institute solely and alone; there would be no admixture of other opinion or other patent agents with those who were members of the institute?—No; I think it is provided in the Bill that if any complaint comes before the institute as to alleged disgraceful conduct on the part of any person on the register, the committee of the institute should hear the objection, and hear the parties, and judge.

1122. That is a committee composed in this exclusive way that has been referred to?—Yes.

1123. I may take it from your answer to the honourable Chairman that you are prepared to allow certain alterations in the clauses or sections of this Bill that would make that body you referred to more of a mixed body; I understand you would receive upon it for the purpose, registration, for the purposes of this Act, a certain number of outside registered members of the profession?—Yes, but I should very much prefer to appoint a court of appeal ——

1124. Provision is already made under this Bill for the final court of appeal for those who may be aggrieved from any cause whatever, but I am speaking now of a committee of administration to be formed for the purposes of the Act, in order to take control of registration; that would be composed of members of your institute exclusively, as the Bill stands at present, but I understand that you have no objection that a certain number of members of the profession, who are not yet members of the institute, should be added to that body?—I think it is quite possible to contrive a committee of that kind which should fairly represent the profession.

1125. So far as the admission of members to your institute is concerned, have you found that since you obtained these powers from the Board of Trade with regard to registration, the members of your institute have gradually increased, and more and more registered patent agents have tried to join the institute?—Yes.

1126. There is no further qualification required for joining the institute, is there, than that they shall be registered patent agents, and that in the opinion of the council they shall be persons of good character?—Quite so; the system is this, that when a man is proposed to become a fellow (or an associate, as the case may be, we will take the case of a fellow), the proposal paper is brought before the council, it is looked through, read three times, and then suspended and balloted upon by the whole body. That is, the system with us is, as it would be, I suppose, with almost every other body of the same kind.

1127. You have no limit as to numbers?—None whatever. No doubt if we had a large number we should be able to reduce the subscriptions.

Mr. *Mather*—continued.

1128. You mean the fees for entrance to the institute?—Yes.

1129. But that would not affect the question of the fees for registration and examination. That would be a separate matter?—Quite so.

1130. The membership of your institute has not been a question of difficulty or dispute among the members of the profession hitherto, has it?—There has been no difficulty whatever; nothing has been said against it. There have been one or two statements that men who wished to become members of the institute did not know any existing fellows who could propose and second them (for we require a man to be proposed and seconded), but they have found in every case that is easily got over; they have only to apply to us and we know the men by repute, and we are quite willing to become sponsors for them and admit them as members.

1131. I presume the rules you have made for your institute govern to some extent the whole of the profession of registered patent agents?—Yes, no doubt they do.

1132. You do not under this Bill consider you would have power to draw hard-and-fast lines as to agency charges?—No. We never assumed that power at all; there has been a great misapprehension about that point.

1133. I should like to hear what you have to say upon that point, as there has been misapprehension about it?—When the new Act of 1883 came into force the procedure at the Patent Office was quite different from what it had been before, and the expenses at the Patent Office were different from what they had been before, it therefore came to be considered what would be the fair mode of charging under the new system compared with the charges under the old system, and the institute considered and sent out recommendations to the effect that the fair charges now would be so and so; that is the whole thing. We never tied a member to take those charges or levy them in any way; we only said that in lieu of the old charges which were pretty well recognised he should make these the new charges.

1134. Has a candidate for admission to your institute to make any declaration upon any points except doing what he can to uphold the profession?—Only to abide by the bye-laws, but the bye-laws contain nothing concerning fees.

1135. And nothing I presume on the question of advertising?—No. We recommended also that there should be as little advertising as possible and that what advertising there was should be of a very limited and gentlemanly character. That is our view of it. We do not approve or, at least, the principal members of the profession do not approve, of advertising. They say let every chair stand upon its own legs.

1136. One point raised by the honourable Chairman was concerning agents who have begun to practice as patent agents (though not registered) since you made the arrangement with the Board of Trade, that is since your institute was constituted the board of examiners, as it were?—Yes.

1137. Would you be inclined to put such words into this Bill as should make it quite clear that all persons who were regarded as *bonâ fide* patent agents by the Committtee who would be

Mr. *Mather*—continued.

constituted under this Bill for dealing with registration matters, would be admitted at once without any further examination or discussion?—Personally, I object to that in principle; but I think that it might be expedient to do so.

1138. Perhaps you do not understand my question; I am not putting quite the same question as that which the honourable Chairman put to you. I say, supposing in the opinion of such a Committee those persons were *bonâ fide* patent agents or had practised as *bonâ fide* agents, and that although they had not sought registration from you from any cause whatever, they were in the opinion of the Committee to be regarded as fit and proper persons to be put on, would you have any objection to bring them on the register *en bloc*, without their having to submit themselves to the trouble of an examination or anything of that sort?—If a properly constituted committee recommended them to be put on, I do not see that there should be any objection.

Sir *John Leng.*

1139. At the outset of your evidence, you referred to the desirability of having as patent agents men of probity and wide acquirements, with a view to advising applicants for patents; and, more particularly, to informing them when an invention had already been patented?—Yes, or when an invention was not patentable.

1140. Would it not be expedient that the Patent Office itself, through its officials, should inform applicants when a patent had already been given?—That has been tried in two places; it is now tried in four places, in fact. It has been tried in America and it has been tried in Germany; it is now tried in Sweden and tried in Switzerland, and it works abominably badly. You cannot conceive the absurd objections that are raised by the examiners in those offices; they will pass things that are absolutely absurd and they will stop things that are of the highest importance as inventions. Nothing can work worse, and one can see the reason of it. Taking the case of America, every patent has to undergo the scrutiny of the examiner. There are a great many examiners employed in the Patent Office; the wages are very small, and, therefore, you cannot get men of much value to act as examiners. To carry out the view proposed by the honourable Member, it would require examiners in the public office to be as well qualified as patent agents ought to be.

1141. With the Patent Office having a surplus of upwards of 100,000*l*, is there any reason why the examiners there should not be, and, in fact, ought they not to be, thoroughly qualified men?—If by such an examination you could give any patentee an indefeasible title, then by all means do it; but in America, where there is this strict examination, patents are broken down much more liberally after passing this examination than they are in England; so that it comes to this, it is making every patent application a case for litigation, and what is the good of it? You get no indefeasible title by it.

1142. But you admitted yourself that even most eminent patent agents are fallible men and sometimes make mistakes?—Yes.

1143. As we know there are numerous cases in

Sir *John Leng*—continued.

in which patents are litigated as to the right of priority or infraction. In those cases no doubt the owners of the patents have frequently been advised by agents of the greatest ability?—That is so; but I do not see that it is possible to avoid that; human nature is imperfect. I may proudly say this, that all the specifications I have drawn that have come into ligitation have passed.

1144. You spoke of the large number of cases of litigation in America; are you able to state from accurate information whether the number is greater in porportion to the total number of patents granted than in this country?—Yes, I believe it is very much greater; I am not able to give the figures, but that is my impression.

1145. You said that the register must be kept by somebody, and that so far as your own feeling is concerned (I think Mr. Wise said the same), it would be a great relief to the members of the institute if they were not troubled by keeping it?—Yes.

1146. Then is there any reason why this register should not be kept at the Patent Office?—I think there is a very strong reason. The Comptroller of Patents must be in a position to be totally disinterested, so far as patent agency business is concerned, and he is not in a position to know intimately the proceedings or character or qualification of patent agents in any way, and, therefore, he is not in a position to judge how the register ought to be kept.

1147. But you propose to have the election committee named in the third schedule of your Bill, consisting of registered patent agents of so many years' standing, a fellow of the institute, a barrister-at-law, nominated by the Lord Chancellor, one member nominated by the Lord Advocate of Scotland, and one member nominated by the Council of the Institution of Civil Engineers?—Yes; that is for admission to the institute.

1148. Not for admission to the roll of patent agents?—No; not to the register.

1149. But there is also a discipline committee to be nominated by the Lord Chancellor?—Yes.

1150. Is there any reason why the Lord Chancellor should not nominate such a committee as I referred to in connection with the Patent Office?—He might, of course, but I understood it was to be a committee for extraordinary purposes.

1151. Reference has been made to the case of Fanta and the case of Lockwood; I think the prosecution in Fanta's case was at the instance of the Chartered Institute?—Yes, it was so in both cases.

1152. You took no appeal in Fanta's case?—No.

1153. I suppose you did not think you were likely to succeed?—We should not have taken an appeal in Lockwood's case only we were forced to do it by the Board of Trade. The Board of Trade said the decision was that they were acting *ultra vires* in establishing these rules, and, therefore, they must have the highest judicial authority to show whether they did act *ultra vires*; and the only way of doing that is for us to appeal, which we have undertaken to do.

1154. In some respects, would there not have

Sir *John Leng*—continued.

been an advantage in having the decision of the Supreme Court before promoting this Bill?—Certainly. Only we were advised, and strongly advised, that we were sure to lose; and, therefore, it is no great temptation to go to appeal.

1155. You mentioned that you were the second president of the institute; were you president in 1889, when these rules for the "Register of Patent Agents" were framed?—No; I was president from 1884 to 1886 after Mr. Johnson's presidency. The president holds office for two years. Mr. John Henry Johnson, a very eminent patent agent and solicitor, who had conducted very many patent cases, was the first president; I was then vice president. He held the presidency for two years, and I succeeded him for two years.

1156. But I suppose you are familiar with these rules?—Yes, quite so.

1157. Without going over them in detail, I will just refer to a few leading points; the register is to be kept by the Institute subject to the provisions of these rules and to the orders of the Board of Trade?—Yes.

1158. The Institute is to appoint a registrar to keep the register in accordance with the provisions of the Act and these rules under the direction of the institute and the Board of Trade?—Yes.

1159. The fees are to be approved by the Board of Trade. If a person is guilty of disgraceful professional conduct the Board of Trade may order the registrar to erase his name from the register. "Any person aggrieved by any order, direction, or refusal of the Institute or registrar may appeal to the Board of Trade." In fact everything, so far as I can see, is done under the supervision and control of the Board of Trade?—That is so.

1160. But I think the Board of Trade, or any other Government Department, is not once mentioned in the Bill; it disappears from the Bill entirely, does it not?—Certainly; because it was the very object of the suggestion of the Board of Trade that they should be left out altogether; they do not want to be in.

1161. Possibly the Board of Trade may take one view of its duties and other people may take another view?—Quite so. Of course we should be very ready to go on under the supervision of the Board of Trade, only they declined to do that.

1162. I am glad to hear that, because I wish now to refer to the custom in other countries. No doubt you have read the able memorandum that was handed in to the Committee at its last meeting by Mr. Lloyd Wise. This memorandum refers to the practice in the United States, and in some other countries. On page 2 it says: "In 1870 an Act was passed to amend the United States Patent Laws, &c. Section 17 of that Act was as follows: 'And be it further enacted that for gross misconduct the Commissioner may refuse to recognise any person as a patent agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior,'" who corresponds with our Home Secretary, I believe?—Yes.

1163. Later on there is a quotation of an

Sir *John Leng*—continued.

order disbarring an agent under these powers which is directed to the Commissioner of Patents by the Secretary of the Interior. That seems to be the practice in the United States?—Yes.

1164. Then we come to this, "In 1884 a patent Act was passed in Victoria" (that is one of the largest of our colonies). "Section 23 was as follows:—'The Governor in Council,'" (that is the Governor of the Colony of Victoria) may, "from time to time, make, alter, and repeal, rules and regulations to regulate the issue of licenses," and so on. Then a few lines below it says, "In 1887 Patent Office regulations were made by His Excellency the Governor of New South Wales, with the advice of the executive council." In Western Australia in November 1888, a patent Act was passed, providing, "It shall be lawful for the registrar with the sanction of the governor to license fit and proper persons to be patent agents," and, "in 1889, a patent law was passed in New Zealand, containing similar provisions respecting patent agents to those contained in Section 1 of the Imperial Act of 1888." The last quotation to which I will refer, is with regard to Switzerland, "in Switzerland there is a rule under which a patent agent may be suspended." And then there follows this extract from Swiss Patent Office rules of 21st July 1893. "Article 42. The Swiss Patent Office can, with the permission of the Department under whose control it is placed, break off relations with patent agents whose action towards the Patent Office or towards their clients, has given cause for serious complaints." "The disciplinary measures taken by the Patent Office against patent agents are registered with the reasons therefore, by the Patent Office, and are published without the grounds for the same, in the Swiss Board of Trade Gazette"?—Yes.

1165. Now in all these cases there seems to be no parallel to what the institute is proposing, that is to say, these duties, which in the United States and in the Colonies and in Switzerland, are discharged by departments of the Government, and more particularly by the Patent Office authorized by them, are proposed by you to be transferred from the Government to an institute entirely independent of the Government and beyond its control?—Yes. In the same way as in some of the other professions, it is the profession itself that governs the register; for instance, in the case of dentists and veterinary surgeons, and in the legal and medical profession; in all these cases the Government does not interfere, but the profession is left to manage the register itself.

1166. Reference has been frequently made to the "poor inventor." May it not be the duty of those who represent the public interest to take care that the "poor inventor" is duly protected?—Quite so; but I think a great deal too much stress has been laid upon the "poor inventor." The great body of inventors are not poor men; the great body of inventors are manufacturers, or companies, or people who can put the inventions to proper use. But they want more protection than the poor inventor for this reason: the poor man can only lose his patent fees, but the wealthier inventor lays out a great deal of capital in providing plant and so on to carry out the new invention. He is probably led into litigation to defend himself, and he is much more led into serious losses from bad patent agents than the poor inventor is.

Sir *John Leng*—continued.

1167. No doubt there have been cases where men who have ultimately become wealthy and important members of society, were, at the time they were inventors, at any rate, comparatively poor men?—Yes, there are many cases of that.

1168. Do you not think that inasmuch as Parliament now, through the Board of Trade, has direct control of the admission and exclusion of persons from the register, it is not desirable to substitute for that a system over which it would have no control whatever?—Speaking for myself I should certainly be very glad indeed to go on under the Board of Trade as we have gone on, provided the Board of Trade knew what they could do under the Act, and knew whom they could turn out, whom they could sanction, and provided they had express directions of what they were to do. Under those conditions I should be very glad to go on under the Board of Trade.

1169. So that if under any Act that may be passed, either the Board of Trade or the Comptroller or some committee to be appointed had express directions you would not object to working under those directions?—For my own part I should be very happy to do so, much rather than have it in the hands of the Institute alone, because it would avoid a great deal of responsibility and a great deal of trouble.

Mr. *Alban Gibbs.*

1170. I understood you to say that with regard to the fees that you take for the examination, you place them apart and have not used them in any way for the purposes of the Institute?—We have not used them in any way for the purposes of the Institute.

1171. Mr. Lloyd Wise suggested, I think, that perhaps you would put in an account, although I do not know whether you would wish to do so?—The secretary and registrar can put in an account; I am not prepared with the figures, but the accounts are regularly audited every year by a proper auditor, and you can see exactly how they stand.

1172. You publish transactions and works, do you not?—Yes, we publish transactions every year; and we have published a very valuable work written by one of our number, Mr. Carpmael, on Patent Laws of the World. When any Patent Law comes out we publish it for the use of the members.

1173. Those are not obtainable by anybody else, I think, are they?—Yes, I think it is sold, copies can be obtained.

1174. I am informed that a gentleman who is a registered patent agent, not a member of the Institute, applied to buy a copy of the work you refer to, on the foreign patent laws, and he was not allowed to purchase it?—I am not aware of that; the secretary can speak to that. I am told it is so, but I really did not know it.

1175. With regard to the admission to the Institute, it is a fact, is it not, that it would be difficult for any person to obtain admission who did not comply with the recommendations of the council?—There is not the slightest difficulty; it is an utter mistake.

Mr. *Alban Gibbs*—continued.

1176. I am informed that you have yourself refused to propose a gentleman?—On the Institute, do you mean?

1177. Yes, on the Institute; on the ground that he did not comply with the recommendations of the council as to professional charges?—It is the first I have heard of it. I should be glad to know the facts of the case.

1178. A letter has been put into my hands today; I really do not know who put it into my hands; but it purports to be signed by you. In it you say as follows: "While I entertain no doubt as to your experience and qualifications as a patent agent, I have a difficulty in proposing you, because I have already been remonstrated with," and so on; that purports to be signed "John Imray"?—That is right; that is written by me. I should first ascertain the views of the council.

1179. You say you had a difficulty in proposing this gentleman, because you had been remonstrated with for proposing candidates who did not in any way fall in with the recommendations of the council as to professional charges?—Yes.

Mr. *Warmington.*

1180. A candidate for fellowship?—Quite so.

Mr. *Alban Gibbs.*

1181. That is what I was going upon when I suggested there was a difficulty in obtaining admission to the Institute, which would be the governing body on the part of people who do not comply with the views of the council as to the amount of professional charges?—Comply in any way with the views. I do not think the professional charges have anything to do with that matter, it was the question of the mode of advertising, if I recollect right; but I really forget.

1182. There is no suggestion of advertising here. There may have been possibly other reasons for your writing in that way, that I cannot say; but you appear to put forward the reason of professional charges?—Yes.

1183. At any rate, I understand from you, that at present there would be no objection to a person even though he does not charge what you consider to be the proper charges?—Of course you must take this into account, that I, having been a very leading member of the Institute, and having been once president, ought to be especially careful about who I propose, unless I consult the council. As to other members, they are not tied down so strongly as I should be.

1184. Would your refusing to propose a candidate probably prevent that candidate getting himself proposed by anybody else?—It would not prevent him.

1185. He could do it, could he?—Yes, certainly.

1186. But it would be a pretty strong hint that he was not wanted, would it not?—I only take the position that I do not like to go too liberally to work considering the position I hold. It is purely personal; it is not the feeling of the Institute; it is my personal feeling.

1187. I think you are perfectly right to keep the Institute as high as you possibly can; but in view of the fact that it is to be the government body of the profession, it appears to me, looking at it from that point of view, that any person ought to be able to belong to it if he is respectable?—We provide a section in the Bill by which any person can belong to it.

1188. I know you do, that is for six months?—That gives ample time; but we are prepared to take twelve months.

1189. That would take in present people, but would not take in future people, would it?—It would not, but if the Institute is so largely increased as we hope it might be, of course it is not for the small body to decide, but a larger body.

1190. But do not you think that a person has a right, after he has passed the examinations and has done everything else that is necessary and paid the fees, to have a voice in electing the governing body without having to pay subscriptions to an Institute. I do not suggest he does not get his value for it?—Do you mean the governing body of the register?

1191. Yes, I do?—I have already said that if the governing body of the register were formed in such a way as to give them a voice, I have no objection; but that does not apply to the governing body of the Institute.

1192. I quite agree; I quite think that some of the suggestions you have made or have accepted, will go a long way to solve the difficulty?—Quite so.

Mr. *Warmington.*

1193. Your experience has extended over how many years?—As a patent agent, about 24 years.

1194. Is it desirable, in the interests of the public, that there should be some control exercised over those who, on behalf of others, apply for letters patent?—I think control is very much wanted.

1195. From the point of view of the public?—Yes, clearly.

1196. Can that control in your opinion be exercised most beneficially by a body formed of experienced patent agents themselves?—Yes, on the same ground that in all other professions where there is a control, the control is exercised by members of the profession.

1197. If that control is vested in a body of patent agents, you do not, I suppose, on behalf of the Institute, require that the whole of the members of that controlling body should be nominated by the Institute?—No.

1198. Some members of that controlling body might be elected by the registered patent agents generally?—Yes.

1199. Have you any objection to that?—I have no objection personally.

1200. Would that apply to the control of the register?—Yes.

1201. As to the discipline committee, is it in your view to the interest of the public that it should be composed of persons who are familiar with the practice and business of patent agents?—Certainly.

1202. And in the same way it, I suppose, could be constituted in the same manner, partly by representation; that is to say, you would not object to that discipline committee consisting of, in part, persons who are elected by patent agents generally,

Mr. *Warmington*—continued.

generally, would you?—In fact that discipline committee might perform both functions; the function of admitting to the register, and the function of removal.

1203. The same Committee might discharge both functions, namely, the control of the register and the discipline committee?—Yes.

1204. Would it be an advantage, or a disadvantage, in your opinion, to place on the controlling body, for either purpose, outsiders, that is to say, men who have not the experience of patent agents?—A disadvantage, most certainly. It is all very well to appoint outsiders, or people who are not in the profession, at the first start of the thing, when there is no other way of doing it; but once a body is formed it is better to have recourse to that body.

1205. Is it your view that a person of good character, showing that he is reasonably qualified to act as a patent agent, should have the status of a patent agent recognised by law?—Certainly.

1206. Do you think that is to the interest of the public?—Of great advantage to the public.

Mr. *Nussey.*

1207. I think when the Institute was first started there were some 48 members, were there not?—Yes.

1208. Now you have about 70, I think?—Yes.

1209. Do you consider that a favourable increase?—It is a very remarkable increase considering who have come on since.

1210. Out of the 260?—Yes.

1211. How do you account for the fact that not more agents have availed themselves of the Institute by joining?—I should say that a great many of them cannot afford it.

1212. Now that the fees have been reduced, do you think there will be more join?—Very likely there may. The fees have not been reduced, all that has been done is this: we have framed bye-laws under the charter; those bye-laws are not yet passed by the Privy Council, but we have in those bye-laws provided for the reduction of the subscriptions.

1213. Another qualification was, that payment of fees meant some examination?—Yes.

1214. How many people have passed that examination?—Twenty-two out of 28.

1215. That is a very high percentage, is it not?—Yes.

1216. For instance, if you have a number of marks for a certain paper, how many marks would you require to get in order to pass?—We do not mark by a number; we mark by letters *a b* and *c*.

1217. Do you say it does not matter whether a man's views are known to a proposer or seconder?—No; we require that the proposer should know the candidate, and be able to be his sponsor.

1218. If a candidate did not happen to know a member of the Institute, what would he do?—Then he must find someone who does know him. It is the same with all institutions, such as the civil engineers and the mechanical engineers; they are all conducted in exactly the same way. A man cannot be a member of the Institution of Civil Engineers unless he is proposed by a member from personal knowledge, and seconded by a member from personal knowledge.

Mr. *Nussey*—continued.

Mr. *W. F. D. Smith.*

1219. In your opinion is the action of the Society of Patent Agents in separating themselves from the Institute entirely owing to the case of Lockwood?—It seems to me to be so; at least it originated from that time; there was no such thing before.

1220. That is to say, it is a question of fees entirely?—Entirely, I think.

1221. There have been no complaints with regard to the keeping of the register, for instance, has there?—Not a word against it have I ever heard.

1222. I suppose that you think the results of the examinations which have been held have been good, so far?—Yes, I think so.

1223. That is to say, the standard of knowledge has increased, and is better than it was?—It is sure to be, I think, in time; it will take some time before it will affect the profession generally, because 22 added to a number of 240 does not make much difference at first.

1224. But do you consider that the new members are certainly better than the average of the old ones?—Yes.

1225. Sir John Leng asked you whether you thought there was any objection to the register being kept at the Patent Office, and you said that there was, in your opinion?—Yes, my answers to Mr. Warmington, I think, will meet that point. He asked me pointedly, whether I did not think that those things would be best carried on by members of the profession; and I am sure it would be so; it is found to be so in all other professions.

1226. At the same time, if, as Sir John Leng suggested, some committee could be formed with knowledge of your profession to act with the Patent Office, do you think then it would be possible?—I think it is quite possible.

1227. And you, as belonging to the Institute, would be rather glad than otherwise to be relieved of the responsibility, would you not?—Yes.

Mr. *Heywood Johnstone.*

1228. Are you familiar with Fantas' case?—I am not particularly familiar with it, because I am not a member of the discipline committee, and never was.

1229. Fantas' case decides, if you will look at it, amongst other things, that it is not necessary that every application should be made through a patent agent?—Quite so.

1230. Do I understand that the Chartered Institute wishes to alter that state of things, and that every application should be made through a patent agent?—Yes; but I would explain this: The course of procedure at the Patent Office is this: The Comptroller of Patents receives from an applicant a signed document appointing so-and-so his agent for the business of that application. Now, that authorisation we say should be confined to a patent agent. A man may if he likes employ his friend to go to the Patent Office for the purpose of asking questions and

Mr. *Heywood Johnstone*—continued.

and so on, but if he puts in an actual document such as a signed authorisation, that authorisation should be made through a patent agent, and no one else.

1231. If he lodges a specification?—Yes, if he lodges a specification signed for him as agent.

1232. Then do I understand that you would reserve the mere mechanical act of lodging a specification to patent agents?—No, because that implies that the patent agent draws the specification as well.

1233. Does it imply that he has drawn it, and is responsible at all events to his client for the accuracy of it?—Quite so.

1234. And that you would limit, would you, to a class of patent agents?—Yes; but let the inventor do it himself by all means.

1235. But so far as that is concerned, you do not altogether agree with the report of the Departmental Committee, that it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof?—I am aware of that report, but I do not agree with it; I know so much of the difficulties which have attended specifications.

1236. You speak, I apprehend, on behalf of the Chartered Institute, as well as of your own opinion in that matter?—Yes.

1237. The Act of 1888 provides that every person who proves to the satisfaction of the Board of Trade prior to the passing of the Act, that he has been *bonâ fide* working as a patent agent, shall be entitled to be registered as a patent agent?—Yes.

1238. There is not a word said about the payment of a fee being a necessary part of that, is there?—No.

1239. Apart from the question of whether a fee of five guineas may not be a rather large one for registration, is it not extremely questionable whether a fee ought to be charged at all for the statutory right which appears to be given by this section?—Something must be done, at any rate, to maintain the register; some expenses are incurred, I presume, and that must be provided for.

1240. But can you point to any authority whatever to charge a fee for the statutory right which is given here, to be placed on the register?—Of course I am not lawyer enough to read an Act of Parliament properly.

Mr. *Mather.*

1241. But the right is given, is it not, by the Board of Trade, which governs the whole thing?—Yes, that is so.

Mr. *Heywood Johnstone.*

1242. I entirely dissent from that view. Here is the Act "Every person who proves to the satisfaction of the Board of Trade shall be entitled to be registered."—Yes. You see if you stop there, it follows that when this present generation of *bonâ fide* practitioners are dead, there can be no fresh names introduced.

1243. I am not going to stop there; as far as concerns those gentlemen who are *bonâ fide* in practice prior to the passing of this Act, there is

Mr. *Heywood Johnstone*—continued.

nothing empowering you to charge a fee of five guineas or any other fee, is there?—Except the rules of the Board of Trade.

1244. And there is no limit, is there, to the time within which any person so practising may make his application to be put on the register?—No.

1245. Then, turning to your Bill, Clause 7 says, "Every person who has been previously registered under this Act, or the Act of 1888, shall, subject to the provisions of this Act, be entitled to be registered"; and that no other person shall be entitled to be so registered; do you follow me?—Quite.

1246. That will exclude any person who had not, at the date of your Bill, applied to be put on the register, or had been put on the register. It would exclude him from the right which I suggested he possesses of coming in at any time he likes and claiming to be put on the register, will it not?—No doubt it would be so.

1247. You agree with me there, do you?—No doubt.

1248. Besides that, dealing with the point which you yourself raised, the next generation would have to pass an examination, or to make their entrance subject to such general rules as the Board of Trade might make, would they not?—That is according to our Bill, not according to the Act of 1888, as you read it.

1249. I am suggesting that the Act of 1888 draws a distinction between those who have been in practice prior to that, and those who have subsequently applied to be admitted?—Yes, but it provides no means of subsequently admitting.

1250. Then do you think there is no distinction?—I think there is; and that is what the Board of Trade had to do, they had to provide for such things.

1251. I suggest that the Board of Trade regulations are to be in respect to those who apply to be put on the register, not having been in practice at the time of the passing of the Act?—Of course I am not disputing with you the wording of the Act.

1252. Do you disagree with that view?—Yes.

1253. I understand that your body would have no objection to a council of the nature suggested in Clause 16 of the Patent Agents Bill. They suggest that the body should be governed by a council consisting of 21 members (the number, of course, is immaterial), and that every patent agent enrolled under the provisions of the Act should be eligible for election on the council, and entitled to vote in the election of the President, Vice-President, members of council, members of the examining Board, and for the adoption, revision, or variation of bye-laws. I understand that the Chartered Institute will be quite satisfied to have the register kept, and the discipline committee appointed by a representative body elected from the entire number of registered patent agents; is that so?—I say, my own feeling is, that if a proper council or committee can be formed which is representative, there is no objection to it, to govern the register, but not to govern the Institute.

1254. Quite so, to govern the register, and act as the disciplinary body and dealing with all those who are seeking to be admitted?—Yes.

Mr. *Heywood Johnstone*—continued.

1255. And also the examining body?—I do not think the examining body would work very well, as you propose it.

1256. But you do not wish any monopoly reserved to the Institute on any of those subjects, do you?—No.

1257. And do you think there should be a representative body, which is representative of all those on the register?—Yes, a fairly representative body.

Mr. *Bousfield.*

1258. But that, Mr. Imray, would practically be taking the register from the Institute, would it not, and putting it into the hands of a council fairly representative of the whole body of registered patent agents?—"Fairly representative." I would always have the word properly understood; I think at present the Institute is fairly representative of the whole body.

1259. I thought the Honourable Member put to you a question as to a council, according to, I think you said, Clause 16 of the Patent Agents Bill, elected out of any of the number of patent agents?—That is a council not presuming to govern the register, but a council presuming to govern the whole profession, and that I should not agree to for a moment.

1260. Does it not strike you that the body that has the control of the profession should practically include the whole of the profession?—My difficulty in answering that question is this, that the whole of the profession is not at all fairly represented now by the register, because a number of people were put on the register on what I think are not good grounds for putting them on the register.

1261. Do not you think, that for the purpose of Parliament dealing with this matter, it will have to start with that register as its basis. If it does so, do you think you would have any difficulty in gradually weeding out any members who were guilty of dishonourable conduct. Do not you think you would be able to do that within a short time?—It is not an easy matter; I may tell you we have had a good many cases of that kind before the Committee of the Board of Trade, but they did not consider themselves warranted in erasing any of the names from the register, except in one case.

1262. But the proposals you make do not go any further towards erasing the names from the register, do they?—There is disgraceful conduct. You see the Board of Trade not being a judicial body, but an administrative body, do not like to judge of what is disgraceful professional conduct; they have rather thrown responsibility off their shoulders, and we want something which certainly shall have the effect of weeding out members guilty of disgraceful conduct.

Chairman.

1263. You have individually assented to the proposition suggested in Clause 16 of the Bill, brought in by the Honourable Member for the City of London and other members. Have you quite realised the effect of that, taken in connection with the objects of your charter. You see the object of your charter is to form a representative body of the patent agents of the United Kingdom for the purpose of promoting improvements in the patent laws, and in the regulations under which they are administered, and to frame and to establish rules for the observations of patent agents in all matters appertaining to their professional practice?—Yes.

Chairman—continued.

1264. The constitution of such a governing council as is contemplated by Section 16 of the Patent Agents Society's Bill would completely wipe out all that work of your Institute, would it not?—Yes, I suppose it would, except that the Institute is strong enough to stand on its own legs.

1265. For other purposes?—For the real purposes of the Institute. It was never the purpose of the Institute, and it was never established for the purpose of keeping the register. It had that thrust upon it by the Board of Trade. It does not want it.

Mr. *Mather.*

1266. Did I understand you, Mr. Imray, to say that you had signified your approval of Clause 16 of that Bill?—I did not say so.

Chairman.

1267. I gather from your answers to the Honourable Member for Sussex that you, to a certain extent, individually assented to the policy of establishing a council elected by all registered patent agents?—No, I positively objected to that, because I say that is the appointment of a council instead of the Institute; and I object to it. What I assented to was this: If there was a committee of some kind, with some representative on it of the outside patent agents, I should have no objection, but the contrary.

Mr. *Bousfield.*

1268. Do I understand that your view is that the present institute does not very much care about having charge of the register?—Quite so.

Chairman.

1269. Or being the disciplinary committee?—No.

1270. But the charge of the register, admission of members to it, and exercising discipline over the members in carrying on their business, and power of removal of their names from the register, which would be business ruin, is essential to the full exercise of what your Institute proposes to do under its charter; is it not?—I am quite aware of that, and we do it amongst our own members; and if we cannot do it as regards the rest of the profession so much the worse. If Parliament, in its wisdom, thought proper to appoint a register of the patent agents, we say that there is no proper way of keeping that register, except by respectable practitioners who understand the whole business, and who are already established.

1271. Conceding that it is desirable that the register should be under the control of respectable agents who are established, and who understand their business, you admit, I suppose, that there are respectable patent agents who are not members of the Institute?—I quite admit there are many such; but we should be very glad to receive them into the Institute.

Chairman—continued.

1272. Do you admit that they should have a voice in the establishment of the body that is to control the register. Yes, and we do not deny them the voice. If they will come into the Institute we shall be very happy to receive them.

1273. But you establish a ballot and fix fees which you say are prohibitive to a certain number of the members of the profession, do you not?—Yes.

Chairman—continued.

1274. Then how can they come in if they have to go through a ballot which you will not allow them to pass; or if you ask them to pay fees which you say their means will not enable them to pay?—We cannot conduct the Institute without fees or subscriptions; what the amount shall be depends very much on the numbers. If we get large numbers we can reduce them.

Mr. HENRY HOWGRAVE GRAHAM, called in; and Examined.

Chairman.

1275. ARE you Secretary of the Chartered Institute of Patent Agents?—Yes.

1276. Are you also the registrar appointed to keep the register established by the Act of 1888?—Yes.

1277. When were you appointed registrar?—On 12th June 1889.

1278. Will you produce to us the register which you keep?—The rules direct that printed copies of the register should be issued, and these are printed copies. (*Producing the same.*)

1279. Have you heard the evidence given as to the way in which the register was constituted?—I have.

1280. Do you concur in that evidence?—I should like to repeat it in case I did not quite understand what was said. Applications are made, by persons desirous of being registered, to the Board of Trade. The Board of Trade then send to the Institute the evidence upon which the persons say that they have been established in practice, and the council send it back to the Board of Trade with any comments they desire to make. The Board of Trade then either direct the registration of the person or they do not. If they do not we do not necessarily hear any more of it. If they direct the registration of the person they inform the person that he is entitled to be registered, subject to the payment of the annual fee of three guineas, and at the same time inform me; and when he pays the fee he is placed on the register by me. That is the course with reference to a person established in practice before the passing of the Act. If the person has passed the examination the course is different. In that case he receives, under the seal of the Institute, a certificate that he has satisfied the examiners, and on the exhibition of that certificate to the registrar, the registrar enters his name on the register. I have particulars here, if the Committee wish to see them, of the number of persons who have been entered on the register at various times.

1281. Will you hand them in?—Yes. Altogether 274 individuals have been placed on the register, of whom 257 were registered by order of the Board of Trade as established in practice; two were specially directed to be registered, and 15 were registered after having passed the examination.

1282. Have any persons applied to be put on the register and been refused?—That I cannot say, because they apply to the Board of Trade and are refused by the Board of Trade.

1283. Have any persons been removed from

Chairman—continued.

the register, having been on it?—Persons have been removed from the register for non-payment of fees. Fourteen have been so removed, presumably, in many cases (and this is my own interpretation of it), because they did not find it worth while to continue in practice, and did not wish to continue the payment of the fees. By their own wish four have been removed, and one has been removed for misconduct by order of the Board of Trade. Then out of those persons a certain number have been restored to the register, persons who accidentally overlooked the payment of the fees after due notice. Five such persons have been restored, so that the 19 persons removed is reducible by five persons restored.

1284. Do you also keep the account of fees?—I do.

1285. Will you hand the Committee an account showing the receipts and payments?—I have an account here which shows the whole amount of fees received, and the expenditure.

1286. Down to the present time?—Down to the present time, with only this difference, that the books being in the hands of the auditor until this afternoon, the accounts of this year are subject to verification; but I have every reason to believe that that account practically represents the condition of things. (*The accounts were handed in.*)

1287. Have you included in this account the fees which have been received since Mr. Lockwood's case, and which have been carried to a separate account, or treated separately, I should say?—They are included in that account. The amounts are not given separately; I will give the Committee those particulars. This is how it is: the sum of 659*l.* 9*s.*, being all the registration, annual, and examination fees received since the date of the Lockwood decision, was transferred to a suspense account opened at a different bank; I have not thought it necessary to take it out here, but I will give it in separately.

1288. Can you tell us the total amount of fees received from registered agents not members of the Chartered Institute?—No, I have not worked that out, but the Committee can easily arrive at it in this way; roughly speaking, 70 out of the 240 is the proportion, whether you speak of the registration fees or annual fees.

1289. Does this account show the amount expended on examinations?—Yes, each year. It averages about 100*l.* a year; it consists of three fees to the three examiners, and the expense of printing the papers, hire of room, &c.

1290. Does it show the amount expended in

Chairman—continued.

legal proceedings in protecting the register, as in the Lockwood case?—It does, so far as we can get it up to date. I might say, perhaps, a word about the question of the three-guinea fee being lowered. The great difficulty which I, as financial officer of the Institute, see about that is this, that the matter of legal expenses is an utterly unknown quantity. At any time the registrar might be served with an injunction or a mandamus to put a man on who has been struck off the register, and the expenses might be very heavy. If it were not for that unknown quantity of legal expenses, my personal opinion is that the fees might be reduced; but with that unknown quantity it is difficult to see how they can be reduced.

1291. You do not suggest that there should be a fund set apart to protect the register, do you?—I do not suggest that; but if the income of the register is not sufficient to protect it, something of that kind would have to be done.

1292. Many people have to discharge public duties under a sense of responsibility, and there is no fund set apart to defend them in legal proceedings if they go wrong?—Quite so. I merely mean that that is an unknown quantity which you cannot allow for.

1293. Will you put in a complete set of the Transactions of the Institute and the audited and published accounts?—Yes. In these Transactions you will find published accounts for each year.

1294. Have you any circulars issued which you would like to put before us?—Some circulars were alluded to in the evidence of other witnesses, which I therefore thought the Committee would wish to see. One is a circular issued previous to the issue of the Bill; another is a circular which was issued with the Bill; another is a circular announcing the opening of the suspense account; and then there are the circulars which were issued to registered agents who are members of the Institute, and registered agents who are not members of the Institute, calling their attention to the Bill, and asking for their approval of it. I hand in copies of those circulars.

1295. Have you any further papers or documents which you would like to supply the Committee with?—I do not know that I have. I should like to say that I have prepared an estimate of the expenditure and receipts of the Institute itself; that is to say, of the annual subscriptions of the members of the Institute,—fellows, associates, foreign members, and graduates,—and I find that the Institute is entirely self-supporting; that it has a considerable balance on the right side, and therefore is entirely independent of the registration money. I should like to emphasise that.

1296. Do you put in the balance sheets of the Institute?—They are in the books already put in. Of course, it is to be borne in mind that since the grant of the charter, in accordance with the provisions of the charter, the whole money has been treated as the income of the Institute, and has not been separated.

1297. Do you mean down to the Lockwood case?—No; since the grant of the charter. Then, since the decision in the Lockwood case, there has been a separation again.

Chairman—continued.

1298. Have you very large balances to the credit of the Institute?—To the credit of the Institute or the registration?

1299. The Institute?—No.

1300. I understood you to say so?—The balance to the credit of the Institute is a small one necessarily, and I may mention that the small amount of capital that the Institute had was pretty well expended in procuring the charter at the suggestion of the Board of Trade.

1301. What advantage has the charter given you over a registration under the Companies Act?—Personally I should put it in this way, that when the Institute was incorporated under the Companies Act it was on a lower professional platform altogether. The charter has put the Institute in the same position as the Incorporated Law Society, the Royal Institute of British Architects, the Royal College of Veterinary Surgeons, and a number of other bodies which have been alluded to before the Committee, and with which they are familiar; these are all incorporated by Royal Charter, and the incorporation under the Companies Act, without the use of the words "limited liability," I think, was, so far as I can gather, a device for enabling corporations to be insured with a smaller expenditure and with somewhat less cumbrous machinery than the older form of incorporation by charter.

1302. But incorporation under the Joint Stock Companies Act is practically the same, is it not, as incorporation by Royal Charter?—I have no doubt it is the same thing.

1303. A body incorporated under the Companies Act is equally incorporated as a body incorporated under a charter, is it not?—Certainly.

1304. Therefore, the advantage has been one of status in public opinion, has it not?—I should say professional status. I may also add, that it was pointed out to us by the Board of Trade that powers such as they were conferring and duties such as they were imposing upon us by these rules had not been before imposed or conferred upon any body which was not chartered, and they, therefore, thought it right and appropriate that we should have a charter, in the same way, for instance, as the Institute of Chartered Accountants.

1305. In fact, it was suggested to you by the Board of Trade, was it, that it would, in public estimation, raise the character of your body if they acted under a Royal Charter instead of under a charter of incorporation under the Companies Acts?—They thought that a body which had those powers ought to be, so to speak, ticketed, as occupying the position which it did occupy by virtue of the duties which were imposed upon it, the duties of examination.

1306. You are, of course, an official, bound to carry out the orders of the Chartered Institute of Patent Agents, are you not?—As secretary, I am bound to carry out the instructions of the council.

1307. Therefore, you do not come here to give us any evidence as to the Institute, I suppose?—I believe I should be quite right in answering any questions the Committee wish to put to me.

1308. Of course, I do not ask you whether you concur in what has been said, because it goes

Chairman—continued.

goes without saying after we have had the evidence of the higher authorities of your body, and it is not right to ask you any questions of that kind; but as to the register, do you wish to add anything to what you have told us, or what you have heard in this room?—No; I think it is rather difficult, perhaps, for anybody not acquainted with the actual working of the thing to know the amount of responsibility and work which the register imposes upon the council, and upon its officers. There is one point I should like to clear up, if you will allow me, as to the work on foreign laws which was referred to. There was a book issued, which I believe anybody can buy, published by a certain firm of publishers, called "Carpmael's Patent Laws of the World," and since that supplements to the work have been prepared by a committee of the Institute, and have been issued for the use of the fellows of the Institute, because the expense of printing it is paid for out of the annual subscriptions of the fellows, and therefore as the other agents outside the Institute have not subscribed to the Institute its issue has not been extended to them. That is how that matter stands; but they can see it in the patent office library.

1309. That is to say, having paid for the book themselves, you keep it for them?—Quite so, just the same as with our Transactions.

Mr. *Bousfield.*

1310. I understand that you are the secretary of the Institute, are you not?—I am.

1311. And the registrar, as regards the register, are you not?—I am the registrar of the Institute also.

1312. As registrar, I see in these accounts there is a sum of one hundred guineas a year debited?—Yes.

1313. And as secretary of the institute may I ask what salary you get?—The same sum.

1314. Were you the secretary of the Institute before you were appointed registrar?—Yes, I was appointed secretary of the Institute in November 1882.

1315. Have you known it from the very beginning?—I have, within a few months.

1316. You produced a minute-book the other day, which set forth the commencement of the Institute, did you not?—Yes.

1317. Have you that book with you to day?—No, I have not. That was just before my time, so that I cannot speak from personal knowledge of that period; it was two or three months before my appointment; that minute was dated August, I think.

1318. Could you furnish the Committee with a copy of the full minute with regard to the foundation of the Institute?—Do you mean the one in which 56 persons were invited to join.

1319. Yes?—Certainly; I might say that I think that when the honourable Member was out of the room very detailed evidence was given by Mr. Imray, which would be probably preferable to the mere copy of the minute; but I will send it with pleasure if desired.

1320. I shall be glad if you will, please; it gives the official record; now, with regard to the account, let us take this year; how many new names have been put upon the register this year?—I am afraid I could not answer that off hand, because I have not prepared the information. I was unable to know what the Committee required in that direction, but speaking from memory, I should say there would be more than three or four, and less than 12. I should think those would be the numbers. I do not know how many of the men who passed the examination last year have applied to be registered. I think, five. If that is so, it is about eight or nine altogether.

Mr. *Bousfield*—continued.

1321. When once a name is on the register, do you send a notice every year to every person to ask him to pay the annual fee?—Yes, according to the rules; that is to say, until the adverse decision in the Lockwood case we sent it in accordance with one of the rules.

1322. Is it your practice to send a notice with regard to the payment of a fee?—Yes, in accordance with the rules.

1323. If the fee is paid, nothing is done, is it?—Quite so.

1324. And if a man did not pay since the Lockwood case, the name would be taken off the register, would it not?—If a man did not pay within the time prescribed by the rules.

1325. When a name is once on the register there is no expense attendant upon keeping it on the register from year to year, is there?—Merely from the entry in the register, do you mean?

1326. As to the 200 odd people who have been on the register from the beginning, and keep on the register, there is no expense attending that, is there; it is the alteration in the register which causes expense, is it not?—I should think not; I should think the expense is caused by the amount of correspondence which results with regard to complaints and things of that kind. If all the agents were once on the register and no one ever complained of them, I think the register would be a very small expense indeed.

1327. Is not that practically what I have said; the expense is with regard to additions to or contemplated erasures from the register?—Yes, the consideration of complaints by the discipline committee and so on. I may say that I have been very much surprised during the past five years at the amount of work which was involved in the registration; not, of course, about merely putting the names on and leaving them on, but the contingent work.

1328. How do you mean?—The correspondence entailed in consequence of outsiders writing. For instance, people write and want to know if they can have a copy of the register, what it means, what the register implies. People write and want to know how they can become patent agents, and have to be informed how they can do so; whether they can satisfy the Board of Trade, as otherwise they must pass an examination, and so on. There is a great deal of correspondence of that kind.

1329. Looking at your expenses, I see, taking the years 1891 and 1892, the expenses of examination are something over 100*l.*; that is a standing charge every year, is it not?—That is about the amount every year.

1330. Then there is registrar's salary, something about the same, and clerk's salary part of the year, 56*l.* What would be the duty of the clerk?—

Mr. *Bousfield*—continued.

clerk?—The duty of the clerk would be to assist me generally with the correspondence.

1331. Would he discharge any function apart from the register with regard to the institute itself?—As the duties which I have attempted to indicate in connection with the register occupy a considerable portion of my time, it has been necessary for me to divide the clerk's time to some extent between the two things, one relieves the other; but it is utterly impossible to say how much is attributable to each. I may say that before the register was created I had no necessity for a clerk.

1332. Then practically the creation of the register has entailed the extra expense of a clerk, has it?—Exactly; that is the best test I can give the Committee of the work which it has caused. Of course, we have had a number of very heavy legal cases, and the Committee know that that involves a great deal of work.

1333. Then I see "printing and stationery"; is that with reference to this register?—That is so; that is an estimate based on the three years' average. Of course, it includes circulars, &c. As compared with the same item for the Institute it is 20*l.* as against 120*l.*

1334. Then in your receipts, I see, you give credit for the annual fees and the examination fees, do you not?—Yes.

1335. I do not see that you give credit for sales of register?—No, that is a small item which I thought it not worth while putting down; it comes to about 30*s.* or 2*l.* a year. The register costs a good deal more than it produces, especially if it is issued free to the agents.

1336. Practically you have done your best, in this account, to separate, as far as you can, expenses due to the register and expenses due to the Institute *per se* apart from the register, have you not?—Yes. I may add that I hope that you understand in that account there are no expenses belonging to the Institute itself.

1337. It has been your endeavour, has it, to secure that result?—Yes.

1338. But when it comes to a question of a clerk writing letters, in answer to inquiries with regard to your Institute and with regard to patent agents, and so on, it becomes difficult to say whether you are acting as secretary to the Institute, or whether you are acting as registrar under the Act, does it not?—I am afraid even a chartered accountant could not tell me.

1339. Then what this account represents is practically, is it not, your best endeavour to separate the expenses?—Yes.

1340. With regard to the supplements to Mr. Carpmael's book, you do not sell them to patent agents who ask for them, do you?—No.

1341. You have certain duties, have you not, with regard to the general body of patent agents?—Do you mean the Institute has?

1342. Yes?—Yes.

1343. And you propose to take these fees which come from the whole body of patent agents; that is so, is it not?—That is so.

1344. And as I point out to you in respect of agents who remain on the register from year to year and pay their three guineas every year, practically they cause you no expense except for inserting their names in the register?—Yes, they cause some of the expense which you have been alluding to, the expense for the clerk for instance, and the expense for printing the register, and so on.

1345. But practically with regard to most of those, you have nothing to do for them every year but to take their money and keep their names on the register, have you?—That applies to a considerable number, no doubt, of the best men in the profession.

1346. Do you not think, having regard to the fact that you draw income through these fees from the general body of the profession, that you ought to make available to the general body any documents of this sort, such as these supplements, which give information with respect to foreign patent laws. Do you not think you ought to sell those to patent agents who are not members of the Institute, if they ask for them?—I have not received any order of the Council to that effect; it is not a matter which has come up much at present, and as a paid officer I cannot express any opinion.

1347. But you have been asked, have you not, by outside patent agents for copies of these documents?—I think it is likely that I have, but I cannot remember a case.

1348. And have you had instructions that they are not to be sold to any except members?—Just the same as the Transactions.

1349. Does that apply to the whole of the Transactions, all the different papers that are read on patent law, and so on?—Certainly, because the Institute existed and published its own Transactions at its own expense before the registration fees were created.

1350. At any rate you act under the instructions of the Council, do you not?—Yes.

Mr. *Mather.*

1351. I suppose this duty which you perform as registrar has added a considerable amount of work to the secretaryship of the Institute, has it not?—Yes, it has more than doubled it.

1352. Do you share Mr. Imray's views that if the Institute can be rid of all this business as to registration, it would be better for the Institute?—I think it would be better for the Institute, but it all depends on who does actually keep the register.

1353. I mean, assuming that other provisions were made, either by the Board of Trade or by Parliament, to take care that this registration should be carried out in the spirit in which the Report of 1887 and the Act of 1888 is couched, you would, as secretary of that institution, prefer not to have anything more to do with it; is that so?—Quite so.

1354. The amount derived by the institution for all the work it does is this 100*l.* paid to the registrar, is it not?—Yes.

1355. The sole contribution to the funds of the institution, I take it, from your account, apart altogether from the expenses which you have detailed, is the 100*l.* given to you for performing the duties of the registrar?—And the salary of the clerk who assists me.

1356. The 56*l.*?—That is one year; the honourable Member happened to drop on the year when

Mr. *Mather*—continued.

when he was appointed in the middle of the year.

1357. Is it true that the Institution does not receive a single penny benefit from the funds which are derived from these three guineas per annum?—It is true that the Institute could now refund, if such a case were to arise, the whole of the money received from the registration fund except what has been expended on registration purposes. It has not used the money derived from registration for its own purposes.

1358. Then the fund which you call the spending fund is simply ear-marked for registration purposes, is it not?—When I said registration fund, perhaps I ought to have said moneys derived from registration fees, because there is no separate fund, except the registration account.

1359. And all that money is allocated, in fact, by anticipation, to everything connected with registration, is it not?—Quite so.

1360. It does not go to the Institute, does it?—In no way.

1361. You are familiar with this Bill, I presume, as presented to the House?—Which one?

1362. The Bill of the Chartered Institute?—Yes, I am tolerably familiar with it.

1363. Have you studied it fully?—I have studied it.

1364. Is that Bill, in your opinion, one that best carries out the intention of Parliament in relation to affording security to the public for efficient patent agents?—As far as I have been able to gather the object of the Acts of 1888; the Bill that is now introduced simply gets over the legal difficulties, which the invalidity of the rules, if they are invalid, caused, and puts the thing on the same basis, as far as I can see, as the Act of 1888 did, with the addition that it prevents the Act of 1888 from being evaded as it has been.

1365. From your experience as Registrar under the arrangement made by the Board of Trade and the Institute, do you consider that Bill, in the interest of the public, to be a better arrangement than the one hitherto, of working under the Board of Trade?—Certainly; because the Act was not strong enough; it was not sound enough, and it would not hold water in working.

1366. But any other mode of effecting the same thing as this Bill would have your approval, would it not? You are not particularly wedded to the Bill, or to the proposal, are you?—No. If another place can be found for keeping the register, if another examining body can be devised, if another discipline committee can be devised, the end will be attained in the same way, of course; but as far as I am able to understand the Bill myself, it seems to me to be almost on all-fours with the way in which the Incorporated Law Society proceeds, if I am correctly informed. They have a discipline committee, they hear charges, and as solicitors I believe are officers of the Supreme Court, they can apply to have those officers removed. Patent agents would not be officers of the court, but we also in our Bill apply to have persons removed from practice.

1367. The object of my question was not whether you had a precedent for the Bill; I want to know whether the Institute, the whole scheme of which you understand, would be

Mr. *Mather*—continued.

satisfied providing this registration and the status of patent agents were secured by other means than this Bill, so as to make the case clear before the public and before the profession?—Of course it is difficult for me to answer for the fellows of the Institute.

1368. I am asking you out of your experience as a Registrar, and I ask you merely as an expert?—Certainly.

1369. That is your opinion, is it?—Yes.

Sir *John Leng.*

1370. Can you explain how it is that the annual registration fees, which in 1890 and 1891 were 733*l.*, and in 1892 and 1893 718*l.*, fell last year to 551*l.*?—Yes; I am glad you have asked me that question. Representations were made to the Institute that the agents unconnected with the Institute were afraid of paying the annual fees during the last year because they might be attached in case of an unfavourable verdict in the Lockwood case, or in any other litigation, and we were led to believe that if the money was placed to a suspense account, that fear would be removed from the minds of the agents, and they would pay the fees. The money was placed to a suspense account, with the result that 6 fees were paid, leaving about 70 unpaid; that is why the sum is smaller.

1371. There appears to have been a surplus on these five years of 983*l.*?—Yes.

1372. Is that over and above the sum put to the suspense account, or does it include the sum put to suspense account?—These are simply the moneys received and the moneys expended. Out of those moneys received, the sum I mentioned, 600*l.* odd, has been placed to a suspense account, having been received since the date of the Lockwood decision.

1373. There are three items for legal expenses which I find amount to 601*l.* I presume those are in connection with the Fanta and Lockwood cases?—Yes, I should think chiefly the Lockwood case. We have also had to take opinions on various points. For instance, it was extremely doubtful whether foreigners were entitled to be registered under the rules, and we had to take legal opinion upon that. We had to proceed very cautiously indeed in constructing this register.

1374. Apart from that, I suppose I may take it, may I not, that but for the litigation you would have had 1,500*l.* clear?—Yes, assuming that your figure of 600*l.* is right.

1375. That rather points, does it not, to this: that even with your present register, the fees might be reduced?—They might be reduced if it were not for the unknown quantity of legal expenses.

1376. Can you give me any idea of how many of those on the register are resident in Scotland?—I should be surprised to hear that 12 were; I could not tell you off-hand.

1377. You think not so many, do you?—I think there are not so many as 12.

1378. Have you any fellows or associates in Scotland?—I do not think we have an associate in Scotland.

1379. Have you a fellow?—Yes, certainly.

Sir *John Leng*—continued.

1380. More than one?—We have more than one, I think three or four. I know one died quite recently.

1381. I understand your duties with regard to the putting of members on the register, and taking them off, except those who have come on by examination, are purely ministerial, and that you act under the Board of Trade?—Under the directions of the Council and of the Board of Trade. I am appointed by the council, and act under the directions of the Institute and of the Board of Trade.

1382. I see that your name is attached to the advertisement issued with regard to the examinations. I suppose you concur in the evidence that was given by Mr. Lloyd Wise as to certain cases to which I have directed attention?—I do not remember what they were.

1383. Those were cases in which young men who desired to be examined had not completed seven years as pupils or articled assistants with

Sir *John Leng*—continued.

patent agents?—Yes; and it was suggested, I think, that some portion of the time might be passed in the workshop.

1384. Yes?—As far as my experience tells me, there would be no objection to that.

Mr. *Heywood Johnstone.*

1385. Do you give your whole time to the secretaryship and the registrarship?—No.

1386. It is not your only occupation, is it?—It is not my only occupation. I have to attend the meetings of the council and the various other committees, and so on, when required; but I do not necessarily give my whole time.

1387. You misunderstood my question. Is your whole time devoted to the service of the Institute?—No. You ask me if my whole time is devoted to the service of the Institute, I understand.

1388. Yes?—No; I am not bound to be in the office for the whole day.

Thursday, 31*st May* 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Bousfield.
Mr. Alban Gibbs.
Sir John Leng.
Mr. Mather.
Mr. Nussey.
Mr. Warmington.

MR. BOLTON, IN THE CHAIR.

Mr. JOHN IMRAY, re-called; and further Examined.

Chairman.

1389. I BELIEVE you desire to make some explanation with regard to the evidence that was given by you at the last sitting of the Committee in answer to a question put by the honourable Member for the City of London?—Yes; in Question 1178, a letter of mine was partly read.

1390. And you wish to put in in evidence, by way of explanation, the whole of the correspondence of which that letter is part?—Yes; I think it is only fair to put in the whole correspondence, consisting of four letters. I will hand them in.

1391. Will you hand them in, so that they may be put upon the Notes?—Yes. (*The same were handed in, and are as follows*):—"7th January 1892. John Imray, Esq. Dear Sir,—As I desire to be admitted into the Chartered Institute of Patent Agents, may I ask you to be good enough to propose me for election as a Fellow? I enclose the form, and shall esteem it a favour if you will sign and return the same. I believe you are aware that I have been in practice as a patent agent since 1876, prior to which date, and back to 1862, I was assistant to the late firm of L. de Fontainemoreau & Co., of this address.—I am, dear Sir, yours faithfully, (signed) *G. F. Redfern.*" "7th January 1892. G. F. Redfern, Esq. Dear Sir,—You have not filled up the application form with a statement of your qualifications, which should be done before the proposer signs. While I entertain no doubt as to your experience and qualifications as a patent agent, I have a difficulty in proposing you, because I have already been remonstrated with for proposing candidates who do not in any way fall in with the recommendations of the council as to professional charges. Of course the Institute cannot lay down any rule as to charges, nor has it attempted to do so; but most of the Fellows, feeling that, except in special cases, justice cannot be done to clients when the professional charges are very low, agreed to certain recommendations as to charges, which recommendations have to a large extent been adopted. Under any circumstances, as now,

Chairman—continued.

after a charter has been obtained, many agents seek admission who stood aloof when the Institute was struggling into existence, I should not propose anyone as a Fellow without first ascertaining the views of the council.—Yours faithfully, (signed) *John Imray.*" "8th January 1892. John Imray, Esq., Chartered Institute of Patent Agents. Dear Sir,—I am obliged by your letter of yesterday, returning the form of application. I did not fill in the statement of my qualifications, thinking, perhaps, you would have preferred to have filled it in yourself from the information contained in my letter. Referring to your remarks as to professional charges, may I ask you to be good enough to let me have a list of the charges which have been recommended by the council? Replying to the latter part of your letter, if I did not before this seek admission to the Institute, my main reason was because I was never asked to become a member. I refer of course to the time when it was proposed to form an institute; and you will easily understand that I had a little feeling in the matter under the circumstances, particularly as I am well aware that the qualifications of many of the agents who were asked to join the Institute were in no way superior to mine,—I am, dear Sir, yours faithfully, (signed) *G. F. Redfern.*" "G. F. Redfern, Esq., 9th January 1892. Dear Sir,—You are under some misapprehension as to what was done at the starting of our Institute. Except that I called on some of the principal agents and got them to join me in some of the steps which Mr. Hardingham and I were taking, I know of no one being particularly asked to become a member. It was, so far as I know, left to members of the profession generally to come forward of their own accord. The enclosed page from our prospectus states the charges for British patents recommended by the Institute. As to charges for Foreign patents, no special recommendations were made, but many of the leading agents agreed among themselves to rates considerably higher than those charged by you. One of the principal objects which the

Chairman—continued.

founders of the Institute had in view, was to exalt and maintain the status of the profession, raising it as much as possible above the level of a trade; and therefore many of us feel that competition in prices frustrates our views in this respect,—Yours faithfully, (signed) *John Imray.*"

Mr. Edward Carpmael, called in; and Examined.

Chairman.

1392. I believe you are a patent agent in considerable practice?—Yes.

1393. I believe you are a member of the Discipline Committee appointed by the Council of the Institute for investigating infringements of Section 1 of the Act of 1888, and complaints against the conduct of registered agents?—Yes.

1394. I may say we have had a good deal of evidence from Mr. Lloyd-Wise and Mr. Imray, and we do not wish to have that evidence repeated?—I quite understand that.

1395. I believe you have read the evidence?—I have been present and heard it.

1396. I believe you desire to give us some information with regard to the action of this so-called Discipline Committee?—Quite so.

1397. That committee is entirely composed of Fellows of the Institute, is it not?—Yes, entirely.

1398. Will you tell us what you wish to say with regard to the action of that committee?—First, as to the infringement of the Act of 1888; at first, after the passing of the Act, direct infringements, that is to say, cases of persons styling themselves patent agents, when they were not registered, were very common. In such cases the committee directed cautionary letters to be addressed to the persons in question; and in most cases such letters had the desired effect, the persons either sought registration or else they discontinued styling themselves patent agents. Only three prosecutions were necessary; in two of those convictions were obtained; the third was the Lockwood case, which has already been mentioned to the Committee.

1399. What was the nature of what you call the infringements?—Styling themselves patent agents when they were not registered; using those exact words, "patent agent."

1400. They also described themselves in other ways to which you objected, did they not?—Yes, certainly, there was a great variety of names; I have a list here: "Inventors' Agents," "Inventors' Patent Office," "The Controller," "The Registrar," "Agency for Patents," "Certified by the Board of Trade," "Patent Expert," "Patent Designs and Trade Marks Office," "Patents, (British and Foreign)," "Patents for Inventions," "Inventions Patented," "Office for Patents," "Patent Office," "Inventors' Agency," "Patent Agency," "Patentees' Agency," "Patents Association," "Patents and Trade Marks Departments," and "Inventions Protected."

1401. I suppose that those descriptions you have stated were used as headings to letters?—As headings to letters, or notice boards on offices, and so on.

1402. You considered them to be infringements of the provisions of the Act of 1888?—We did.

Chairman—continued.

1403. And you took proceedings, I understand?—We took proceedings in one case as a test case.

1404. In other cases you gave notice to these people to discontinue using this style in advertisements, and so on?—It was hardly that. We gave notice calling their attention to the provisions of the Act of 1888.

1405. In what way did some of these headings infringe the Act of 1888?—As we understood the Act then, it was an Act passed to prevent a man from representing himself to be a patent agent; and I believe that was the intention of Lord Herschell's Committee. Lord Herschell's Committee did not want to prevent a friend of an inventor taking out a patent for him; but I do not think they contemplated that a man should make it his business to practise as a patent agent without being registered.

1406. How would such a description as this "The Comptroller" or "The Registrar" be an infringement of the Act of 1888?—Because an inventor taking out a patent for himself, or wishing to do so, would be led to go to such a man; it is not only, to my mind, an infringement of the Act, but it is fraudulent besides. It was to deceive the innocent inventor.

1407. But would the use of the words "The Comptroller" be an infringement of the Act?—I think the words used were "Comptroller, Patent Office."

1408. But the mere use of the word "Comptroller" or "Registrar" would not be an infringement, would it?—Not standing by themselves: they would simply be deceptive.

1409. You mean that those words you have given us were grouped with other words on the circulars or the advertisement, which would be calculated, you say, to lead persons desirous of obtaining patents to the conclusion that people carrying on business at that particular place were accredited patent agents?—Yes.

1410. In how many cases do you suppose you gave cautious warnings or letters of protest?—In about 80 cases.

1411. What was the result of those letters?—A great many of the persons ceased their practise, and a great many were registered as patent agents.

1412. You prosecuted, I think you said, in four cases?—We prosecuted in three cases where they actually called themselves patent agents, that is to say, used the actual words mentioned in the Act; and in one case where a man held himself out to be a patent agent, and signed the specification as "Agent for the applicant."

I wish

Chairman—continued.

I wish to call the attention of the Committee to the fact that I think it has been taken that in the Fanta case the sole thing done by Fanta was to sign the specification as agent. That was not so. On his letter paper he had "F. Fanta, Consulting Engineer, Patents, British and Foreign, Designs and Trade Marks." I refer to that as showing that he was holding himself out as a person competent to take out patents.

1413. Do you wish to add anything further by way of information to the Committee as to the work done by your so-called discipline committee?—Yes. Very numerous complaints were made to the Institute both against registered and unregistered persons. Taking unregistered persons first, in one case complaints were addressed from a great many sources, amongst others from the United States Embassy, the United States Consulate, the Board of Trade, the Patent Office, and from many persons in America. In all cases, or in almost all cases, the substance of the charge was the same, viz., that money had been sent over for taking out patents in this country, that the patents had not been taken out, and the money had not been returned.

1414. What induced the people to send their money; were advertisements issued in the English papers or in the American papers?—I do not know that there were advertisements in either, but as soon as the United States official Gazette reached this country containing announcements of patents which had been granted in the United States, the firm in question flooded the United States with circulars inviting the patentees in America to take out a patent here; and in response to that circular they had many applications accompanied by the funds for the taking out of the patents.

1415. But were those solicitations for business confined only to one of these dishonest practitioners you refer to. Were there not recognised patent agents who, seeing new inventions that were not protected in this country, sent out circulars to America soliciting retainers and instructions to take out similar patents here?—There have been other cases.

1416. Is it not the fact, that when persons have applied for patents without the intervention of an agent, those persons have received communications from agents of recognised respectability?—I do not admit that it was from agents of recognised responsibility.

1417. From agents, at any rate?—Yes.

1418. They have received letters soliciting their custom, in fact?—Certainly. But it must be pointed out that in the case I am speaking of an American patent had already been issued, and an abridgment of it had been sent over to this country. I had better read the paragraph of the circular, I think: "A few weeks hence your invention will be beyond your control altogether in this country. You may, however, still secure it, but only by acting promptly in the matter." Then it goes on to say, "You need not furnish any particulars; the United States official Gazette gives us all the information we require to enable us to file a specification."

1419. That is only a form of touting for business, is it not?—No; I say they could not take out a patent that would be valid in such a case.

Mr. *Warmington.*

1420. Those two statements you have quoted show, do they not, that it would be impossible in this country to take out valid letters patent for that invention?—Quite so.

Chairman.

1421. That is to say, a number of persons have recklessly touted in the United States for business in this country which could not properly be done?—Yes, in inviting inventors in America to take out invalid patents, and then, according to the statements made to us, not taking them out.

1422. Your point, I presume, is that if there was a proper discipline in the profession of patent agents, a matter of that sort would be brought to the knowledge of the governing disciplinary body, and persons doing this would be prohibited from registration, if not registered; and if registered, would be struck off the register?—Precisely; all patent agents ought to be registered, and if they were registered, they would be struck off if they did this.

1423. Is there anything else you wish to bring to our knowledge bearing upon this portion of the case?—As to unregistered agents, though I could give other examples, I need not trouble the Committee with further cases; but as to registered agents, I should like to say a few words. Our committee after investigating a great many cases came to the conclusion in eight cases that there was a very clear *primâ facie* case of disgraceful professional conduct. I say a very clear case, because it early became apparent that it was no use to take to the Board of Trade anything that was not a very clear case; I mean that if the witnesses were not presentable, or if there was not documentary evidence, it was clearly no use our taking a case. But in eight cases we found that there was a clear *primâ facie* case. In two out of those eight cases the accused absconded, and was removed from the register for non-payment of fees. The case of one of those persons who absconded is a typical case, and I should like to mention the circumstances. When he sought registration of the Board of Trade the Institute did everything in their power to prevent his getting on the register, upon the grounds, first, that he had been expelled from the Institute for misappropriating his clients' money and for falsifying a Government certificate; and, secondly, that he was an uncertified bankrupt. Nevertheless, he was registered. Shortly afterwards a complaint came to the Institute, and when inquiries were pushed home, then, as I say, the man absconded. The case has been before Parliament before, because, unfortunately for his clients, he had received money for paying fees upon patents, and had not paid the fees; it, therefore, became necessary for the clients to apply to Parliament for special Acts to set up their patents. There were four such Acts, all in the 55th and 56th of Victoria, the chapters being 114, 115, 116, and 229. One of them,

Chairman—continued.

them, Nussey and Leachman's Patent Act, contains this recital, "And whereas the patentees respectively, and prior to the same becoming due and payable, paid, or caused to be paid to Joseph William Harding, a duly registered patent agent," the renewal fees, and so on, "but the said Joseph William Harding feloniously and fraudulently omitted to pay the said prescribed duty or renewal fee to the Comptroller, and the said letters patent were announced in the Official Journal published under the provisions of Section 40 of the Patent Designs and Trade Marks Act, 1883, to become void."

1424. That is to say, those three people in consequence of the bad conduct of these patent agents, had to go to Parliament to get an Act to give them the patent rights which they would otherwise have been entitled to?—Yes. In the six other cases the complaints were forwarded to the Board of Trade. In the first of those cases the Board of Trade granted a committee which heard the complaints, and came to the conclusion that one charge, perhaps a somewhat minor one, had been proved, and the rest had not been proved to their satisfaction; and no action was taken by the Board of Trade. In the second case the Board of Trade took no action whatever beyond acknowledging the receipt of the letter. In the third case the Board of Trade were evidently very unwilling to a great a committee. In the fourth and fifth cases the Board of Trade wrote the following letter: "I am directed by the Board of Trade to advert to your letters of the 21st ultimo, submitting complaints against the professional conduct of two registered patent agents, and, in reply, to state that the Board of Trade regret that such complaints have been received. Having regard however to the position in which the Register of Patent Agents' Rules now stands, I am to add that the Board of Trade do not consider it expedient to take any action in the cases in question at present."

Sir *John Leng.*

1425. Will you kindly state the date of that letter?—That letter is dated the 1st of April 1893.

1426. What were the dates of the earlier cases?—The first case was submitted to the Board on the 2nd of March 1891; the second case was submitted on the 23rd of June 1892; the third case was on the 6th September 1892; the fourth case was on the 21st March 1893; the fifth case was on the 21st March 1893; and the sixth case was submitted several times, I think the first time was September 1893.

Chairman.

1427. Perhaps you would prepare a list of the cases that have come before your disciplinary committee, stating the character of the complaints, what was done in each case, and how each case was disposed of?—Certainly; would the Committee desire me to state the names? I am of course in the hands of the Committee.

1428. We may dispense with the names in the list which will go upon our Report, if you will mark the cases in that list by number, and hand to me on a separate paper the names with the corresponding numbers. The names will not go upon the Report, but will be for the use of the Committee, enabling us to test the genuiness of the list that you put in?—Quite so. I may say that in the sixth and last case the Board of Trade granted a committee, who, after hearing the case reported to the Board of Trade, and the Board of Trade ordered the accused's name to be struck off the register, which was accordingly done.

1429. Have you anything further to add?—Yes, there are a few points I should like to refer to. I may say I wish the Committee to understand that the state of the profession is not to be judged from the fact that we only took action in six cases. There were many other cases which were highly suspicious. For example, there was one case in which it was clearly proved to our satisfaction that money had been paid for taking out patents, and it was clearly proved that no patents had been taken out, but then we had a letter from the accuser, saying that he was now entirely satisfied and wished to withdraw the complaint. That, of course, looks very suspicious. There were many other cases, which, although not clearly proved, certainly showed a very bad state of things in the profession.

1430. You understand that what we want is a list of all the cases that came before your disciplinary committee, showing in one column the nature of the charge made in each case, and in another column the information as to what you did and how each charge was ultimately disposed of, the cases being numbered?—Yes.

1431. Then you will give us a list of the names and addresses corresponding with the numbers on that paper. We shall put the list with the numbers on the Notes, and we shall retain the names for our own personal information?—Yes. I wish to put it to the Committee that our profession is in a somewhat different position from any other profession.

1432. You are going, I think, beyond the scope of the portion of the inquiry which we desire to hear you upon. If you agree with what the previous witnesses have said it is unnecessary, I think, to repeat evidence?—I was not going to repeat evidence; I was about to say that we are in a different position as regards temptation; that is to say, our profession is open to temptation to which no other profession is open; and for this reason: Every patent agent receives from his clients large sums of money in the course of the year. A patent agent, in not at all a large way of business, would receive at least 5,000*l.* a year in money from clients, for the specific purpose of paying Government fees in this and other countries. As a rule, the client is perfectly satisfied with the patent agent's receipt; he never requires the Government receipt, unless it is given him voluntarily; and there is nothing except the fear of detection in after years to prevent a patent agent from putting money so received into his pocket. Of course, in other professions, a professional man does receive

Chairman—continued.

receive money from his clients for making payments (a doctor does not, but a solicitor does); but in all those cases the money has to be paid to somebody, and that somebody, if he does not get his money, is apt to make inquiries.

1433. I think you must give us credit for a sufficient knowledge of business affairs to know that a patent agent has a good deal of money in his hands for purposes such as you mention, and that there are other trades and occupations where those engaged have not the same opportunity of taking the money of other people?—In other professions, if a payment has to be made, that payment has to be made to somebody who will ask for the money if it is not paid, and therefore non-payment is very quickly revealed; whereas, with a patent agent, the payment has to be made to a Government, and no notice is taken if it is not made.

Sir *John Leng.*

1434. If the man who pays the money does not receive his patent, he soon has an intimation that he has been swindled, has he not?—He has after a time, no doubt.

1435. And not after a long time either?—Taking a Russian patent, it is seldom granted in less than three years, and during that time the client has nothing to show for his money. I personally have found clients very patient; I have Russian applications on my books now, no doubt two or three years old, and no inquiry made by the clients. But I was not referring so much to the taking out of patents as to annual payments; and there a client has nothing to show; he trusts entirely to the honesty of his agent.

1436. That is to say, renewal fees?—Yes, renewal fees for English and foreign patents.

Chairman.

1437. In short, very large sums of money pass through the hands of patent agents for fees and various payments, and the employer has to trust a good deal to the honesty of the agents?—That is so. I was going to give the Committee generally the nature of the offences.

1438. We shall have that in the return which you will give, shall we not?—Yes. Beyond fraudulent offences there were very many offences which were certainly most unprofessional and ungentlemanly, in fact anything but what a professional man should do. For instance, in the case of a dispute between two men, the one sends back the other's letter with this endorsement on the back: "Any further communication that may come from you will be used in the water-closet."

1439. We quite understand that in any business or profession there are people who do not quite act in a gentlemanly way?—I am afraid it is more so in our profession almost than any other. In conclusion I want to state that in my opinion the state of things is now worse than it was when the Act of 1888 was passed, and then the scandal was so great that it was thought necessary for Parliament to interfere.

1440. When you say "The scandal was so great that it was thought necessary for Parliament to interfere," do you think that a mere clause in an Act of Parliament which simply directs that a register of patent agents is to be kept is such an interference by Parliament as would come about from a great scandal such as you suggest?—I think so, certainly; if you know what led up to the clause. I quite admit the clause does not bear it upon its face.

Chairman—continued.

1441. We do not read that in the Report of the Departmental Committee?—There were three causes, I think, that produced this state of affairs. First of all, the view the Board of Trade rightly or wrongly took, as to what was meant by *bonâ fide* practising; I do not want to go over that again, but I can give some figures that may interest the Committee.

1442. Do you suggest that the Board of Trade exceeded their duty or did not do their duty in making up the register?—I do not suggest either the one or the other. They did not do what I should have considered it my duty to do in their place; but it is not for me to judge the Board of Trade, but merely to tell the Committee the results.

1443. Do you ask us to entertain a charge against the Board of Trade?—Not at all; but I think it would interest the Committee to know some figures as to the amount of practice.

1444. May I ask with what object? You are opening up subjects of discussion which will lead to perhaps the calling of further evidence, and will not tend to expedite the work of the Committee. Our object is to consider whether certain Bills that are before Parliament are practically safe Bills to advise Parliament to pass, and if they are not, to consider whether we can make any recommendations to deal with some of the practical difficulties that have arisen under the Act of 1888 in connection with this register of patent agents, and also whether we can make any recommendations which will be in the public interest with regard to patent agents as a body of men carrying on business in connection with the granting of patents?—Quite so; I was only going to give the figures with a view to showing the probable competency of a good many agents.

1445. I do not wish to stop you giving any evidence you may wish to give; I only want to point out that in some of the answers you have made, and, as it would appear, are going to make, you are raising questions that will very much widen the work of the inquiry of the Committee if we go into them?—In view of what you have said, I will only make one more remark, which is this: I think there is a misapprehension as to the motives of the Institute in advocating this Bill. Speaking for myself (and I think I might speak for others), I believe if this Bill becomes law it will take money out of my pocket. The present state of things works in this way: those people who are taken in by fraudulent patent agents would seldom, if ever, come to me in the first instance; whereas, when they have once been swindled, they are very apt to say, we will not trust anyone but a person who has the reputation of being a first-rate agent. Therefore these swindling agents are really advertising agents for myself and for others. The person who suffers by the present state of things is the honest but comparatively unknown man, because, however low he cuts down his fees, he cannot for a moment compete with a

Chairman—continued.

man who takes the fees and does not make the Government payments. I do not think the Bill would do me, personally, any good at all. My motives in supporting the Bill are, first, a sense of public duty; and, secondly, a sentimental reason, perhaps, that I do not like to belong to a profession which is only too rightly looked upon by some as a den of thieves.

1446. Is there anything else that you wish to add?—No.

Mr. *Mather.*

1447. I should like to ask whether you have heard the evidence of Mr. Lloyd Wise and Mr. Imray?—Yes.

1448. Do you concur in the answers they gave to the questions put to them?—Generally, most certainly.

1449. Both those gentlemen intimated to us that they regarded this duty thrown upon them by the Board of Trade, of taking charge of the registration of patent agents, as being one which they did not desire to continue if the same results could be arrived at in any other way?—I can speak very feelingly to that.

1450. You concur in that?—Yes.

1451. As regards the Bill now under our consideration, have you carefully weighed the probable results that would flow from its stringent clauses, of putting the whole of the power in future in the hands of your Institute of conferring upon agents the title of Registered Patent Agents?—Yes.

1452 Have you considered that you would be the sole arbiters in future as to who should become registered patent agents?—Yes.

1453. Do you think your action under the Board of Trade rules and regulations has been much less than that up to the present time?—It is exactly the same.

1454. How do you account for the fact that when you had made representations to the Board of Trade in the cases, for instance, cited by you to-day. (You have mentioned, I think, six cases of fraudulent intention on the part of certain agents), the Board of Trade did not accept your verdict on those cases; that is to say, they did not permit you to strike the name off the roll or not to admit an agent having that character to the roll of patent agents?—I think they had a doubt as to the validity of their rules; so I gather from their communication.

1455. Do you mean they had a doubt whether they could confer upon you the power, or that they themselves had the power to adjudicate upon the moral character and fitness of an agent?—They had, at that time, a doubt whether they themselves had the power to adjudicate.

1456. They rejected your demand, except in one case out of six, that those persons should be excluded from the roll of patent agents?—They actually refused to take any steps to hear two cases; they did not appoint a committee to hear two others, but they did so in the remaining two.

1457. Practically they rejected four, or prevented you from excluding four names from the roll of patent agents, of men who you thought were unfit to appear there. That was practically the effect of their action, was it not?—Yes.

1458. Under this Bill, supposing it becomes

Mr. *Mather*—continued.

law, would you have any objection to make up your disciplinary committee of a certain number of the members of the Institute and another certain number of outside registered patent agents?—Certainly not in principle.

1459. Would you consider that with such a committee, representing, that is to say, the Institute and the ordinary registered patent agents who are not members of the Institute, ample provision would be made for justice to be done in every case of delinquency and suspected fraud, or any other sort of immoral proceeding?—I think so.

1460. And if this Act constituted such a body, you think to that body might safely be left the question of excluding or including on your roll of patent agents all those who might apply?—We are not seeking for that; that is for the court. We are only seeking to report to the court.

1461. To what court?—To the High Court.

1462. I think you misunderstand my question; I understand the reference to the court is only in case of some decision of yours being questioned by the applicant?—Oh. dear no. It is simply that we report to the court that in our opinion so and so ought to be struck off, just as is done in the case of solicitors.

1463. You do not understand my question; I ask you whether the question of the inclusion or exclusion of them might not safely be left to such a body; suppose certain persons desire to become registered, and their names and qualification are brought before your committee, might not the same committee be the disciplinary committee and also the committee for the control of the registration?—I think such duties might safely be left to such a committee.

1464. May I take it that the promoters of this Bill (of whom, I presume, you are one), would be perfectly willing to add such words to any clause dealing with the point as would provide that the whole profession, whether members of your institute or not, might have the dealing with the final determination of these questions affecting the inclusion of members, and also of the proceedings to be taken against any members whom you desired to exclude?—That is to say, the whole profession to be represented on the committee. I do not say that I think it ought to be done by universal suffrage.

1465. I am not speaking of that?—Certainly, in principle, I should have no objection whatever.

1466. You know, as the Bill stands, it is an exclusive right asked for by your Institute, that its council should determine all questions affecting the position of patent agents in future?—Yes.

1467. I asked you the question that I asked Mr. Lloyd Wise and Mr. Imray; whether you are prepared to accept any recommendations by the Committee or anyone else, that certain clauses of your Bill should be enlarged so that the governing body of your society shall be composed partly of your own members and partly of those outside who have not yet been admitted to membership?—Yes; in principle I have no objection to that.

1468. Would you be prepared to submit to the Committee at any time some mode in which that could

Mr. *Mather*—continued.

could be carried out?—Yes; should the Committee desire it, I have no doubt it could be done.

1469. If the Committee were to desire it, you and your colleagues will probably be able to draw up what you consider a fair clause for giving to such a representative committee disciplinary powers, and powers for the control of the registration?—Yes.

Sir *John Leng.*

1470. I understood you to say that there were two cases in which where persons had styled themselves patent agents you instituted proceedings and succeeded?—Yes.

1471. Were those before or after the Fanta case?—They were both before.

1472. Did they allow the decision to go by default?—No.

1473. It was after a full hearing of the facts of the case; in what courts were those two cases?—One, I think, was in the City of London. They were both in London courts, but I can give you the exact courts if you will let me look up the point.

1474. That is not necessary. One of your objections was as to persons using the words "Patent Office," either on their headings or on their sign-boards or offices; is it not the case that some members of the Institute do use those words?—I am sorry to say it is.

1475. You do not appprove of the practice?—I do not approve of the practice, but in justice to them I ought to say this: the difficulty is that some members put up those words before there was such a thing as a Patent Office; therefore when first put up they were in no way misleading.

1476. And they have retained them?—Yes.

1477. Would you kindly show me the list of those words and phrases to which you object?—Yes (*handing a paper to the honourable Member*).

1478. What would you understand that these curious words "The Comptroller" and "The Registrar" were intended to signify?—It was intended to signify, or intended to lead the inventor to believe, that it was the Government Patent Office he was going to.

1479. With regard to these words, "Agency for Patents," you would not say that as the Act now stands that is an illegal phrase, would you?—Certainly not, after the Fanta decision.

1480. You referred to Harding's case, in regard to which you said that America had been flooded with circulars; and I think you read some sentences from his circular. If it is not at great length, would you just allow me to see it, in order to consider whether it should go upon the Notes?—This is it (*handing the circular to the honourable Member*).

1481. Assume that this Act were passed, is there anything to prevent what we may call a professional swindler still swindling people in foreign countries by sending out false representations of this character?—I think so.

1482. How would it act?—It would act in this way: he would either be describing himself in the broad sense as a patent agent without being registered; or else, if he had been registered and went on with these malpractices, he would be struck off the register; and could be fined again and again.

Sir *John Leng*—continued.

1483. But he might not say in so many words that he was a patent agent?—No, but what we wish in our Bill is to cover any case where it is done in an indirect way. That is the object of the clause in our Bill.

1484. Were those eight cases of disgraceful professional conduct all cases in which money was involved?—Yes; they were all cases in which money was involved. In six cases it was actually taking money, and not taking out a patent; one was endeavouring to obtain money by false pretences; and the other was obtaining patents by false pretences.

1485. Do I understand you to say that in Harding's case you had made a representation to the Board of Trade before these complaints came in?—We had made very strong representation to the Board of Trade before the man was registered.

1486. You had objected to his name going on to the register?—We had objected to his name going on the register; we had not applied to strike him off, because as soon as he was asked for an explanation of certain accusations he disappeared.

1487. In connection with these renewal fees, is there no system by which a person having obtained a patent can send the fees direct to the Patent Office?—Yes; if he remembers it he can do so now.

1488. You said generally that you thought that the profession is in a worse state now than it was in 1888?—Yes.

1489. Does not that seem a rather curious result of the establishing of the register?—I do not think it is the result quite of establishing the register; it is simply that the great increase in the number of patents which took place in 1884 attracted to the profession a great many persons who had not belonged to it before, so that there were probably two or three times as many patent agents in 1888 as there were previous to 1884.

1490. Do you say there are three times as many now as in 1888?—No, but there are more now than in 1888.

Mr. *Nussey.*

1491. Do you think a patent agent ought to be charged a fee for being registered?—I do not see in what other way the register can be paid for.

1492. I understand under the Act of 1888, any man who applies has a right to be on the register; you think he ought still to pay some fee for the privilege?—I think so, unless Government is willing to pay the money. Of course if somebody else pays the money for him, I should have no objection to his coming on. But there must be expenses, and I do not see where the money is to come from.

1493. A fee of five guineas was mentioned by one of the witnesses?—Yes.

1494. Do you think that ought to be about the fee?—No, I think it might be reduced now; I see no reason why it should not be reduced.

1495. Although the state of the profession is worse in your opinion than it was in 1888, you think the expenses of the register would not increase?—No. The fees are perhaps unnecessarily high, because the numbers that are registered

Mr. *Nussey*—continued.

registered so much exceeded what was anticipated; I do not think the amount of the fee could be much reduced, but I think it could be reduced.

Mr. *Warmington.*

1496. As regards this circular of Harding, if your Bill were passed into law, no registered patent agent could send out such a circular honestly, could he?—Quite so.

1497. The requisite knowledge which a registered patent agent would have would preclude him from sending out such a circular except with a fraudulent intent?—Quite so.

1498. Do you think it is desirable that legistion in regard to these matters should be passed as soon as possible?—Yes; you see the matter is at a deadlock at present.

1499. You think the matter is urgent, and that there should be legislation this year?—Yes.

1500. I suppose the Institute of Chartered Patent Agents would consider the present position of business in the House, having in view the probability that no Bill can now pass through the House of Commons unless it is a Consent Bill; I suppose you have not considered that point at present?—We have not considered it since yesterday, if that is what the honourable Member refers to.

Chairman.

1501. You agree with the honourable and learned Member that it is important that the institute should consider the matter from that point of view?—Yes.

Mr. *Alban Gibbs.*

1502. In principle I understand you agree with what Mr. Imray said, that some council might be formed that was thoroughly representative by adding other patent agents to the council of the institute to form a committee for disciplinary purposes and registration purposes?—Yes.

1503. You said you agreed with that in principle; do you think in practice you can formulate some working scheme?—Yes, I think so. Personally, I should have no objection, to say a committee of six, four being members of the institute, and two elected by the rest of the profession.

1504. What I wanted to come to was very much the point which the honourable and learned Member for the Western Division of Monmouthshire put to you; do you think you will be able to formulate some scheme which will be accepted by the other patent agents?—That I cannot say.

1505. You do not know their views at all?—I do not know their views at all.

1506. I may take it that you will be willing to meet them if you can; you will do your best to come to some arrangement?—Certainly.

Mr. JOSEPH SINCLAIR FAIRFAX, called in; and Examined.

Chairman.

1507. ARE you a patent agent?—I am.

1508. A registered patent agent, I presume?—Yes.

1509. You are Vice-President of the Society of Patent Agents, are you not?—Yes.

1510. Have you been in business as a patent agent for a long time?—I have been in my present firm since 1886.

1511. What is the name of your firm?—Fairfax and Wetter.

1512. Since 1886 you have been in that firm practising as a patent ageut?—I have.

1513. I suppose we may take it that your firm have a considerable business connected with patents?—A fair amount of business.

1514. I believe your society is promoting the Bill which has been brought in by the honourable Member for the City of London?—Yes.

1515. Will you tell us whether you concur with the witnesses who have given evidence as to the desirability of legislation with regard to the status of patent agents?—No, not as regards the status. I would say that the Act of 1888 gave us all the status that we can expect to obtain by legislation.

1516. In what respect do you consider that further legislation is necessary or desirable?—To control the profession.

1517. You have read the Bill promoted by the Chartered Institute of Patent Agents, and you have heard the evidence that has been given before this Committee, I presume?—I have.

1518. Do you differ from the views of the

Chairman—continued.

Chartered Institute of Patent Agents, and of the gentlemen who have given evidence on their behalf, as to the legislation that is required to control the profession?—I do.

1519. In what respects?—In many respects.

1520. Will you kindly tell us in what way you differ from those gentlemen?—The title of the Bill introduced by the honourable and learned Member for West Monmouth takes in several matters which do not seem to be properly included in the title. It proposes to make the institute public prosecutors; it restricts the Comptroller's discretionary power; it exempts agents from certain public duties; it re introduces the Lord Chancellor as a controlling authority in patent matters from which he was excluded by the Act of 1883; it confirms the charter of the institute; it proposes certain forms of admission to the institute; it legalises acts done by both the institutes, first the one of 1882, and secondly, the Chartered Institute and the Registrar, and seeks to legalise the fees which have been declared illegal, and with regard to which litigation is now pending in the House of Lords. All these matters are included in "A Bill to provide for the registration of patent agents."

1521. I do not think you need labour that, because it would be easy to amend the title of the Bill. Will you come to the substance of your objections?—Those are objectionable features, and do not grow, I think, naturally out of the Act of 1888, nor do they properly refer to the registration of patent agents; and it is for

that

Chairman—continued.

that purpose that we are introducing a Bill to amend the law relating to patent agents.

1522. What I understand you to mean is, that you are of opinion that legislation is only wanted for the purpose of getting rid of certain difficulties which have arisen in connection with the registration of patent agents, and providing a means by which a certain amount of discipline shall be exercised over the profession?—Yes.

1523. No further legislation at all is wanted; that is your contention, is it?—Quite so.

1524. So far as the Bill promoted by the Chartered Institute of Patent Agents goes beyond the lines you have suggested, you think it unnecessary?—Quite so.

1525. What is your objection to giving the Chartered Institute of Patent Agents the recognition and status which they ask for, provided it is associated with the expansion of their institute so as to bring within its membership or into association with it the general body of patent agents?—Because it has never carried out the objects of the institute of 1882 or the objects stated in their charter, so far as outside agents are concerned.

1526. Have you been invited to be a member of this institute?—I have, as one of a deputation of four, when we first broached the matter to the institute.

1527. What is your objection?—The greatest objection I have may be summed up in connection with the constitution of the council. The council is practically irremovable; it consists of four life members, who are made by their charter members for life or so long as they remain members of the institute. The president at present would go on as an *ex-officio* member; the vice president would follow in due course; and this is out of a council composed of 14 members. Those 14 represent 10 London firms; there is no representative from the country at all; and the tendency seems to be to concentrate the whole control of the profession in the hands of just a few London firms who are working the register and managing the institute for their special benefit in the first place; secondly, for the benefit of the Chartered Institute; and, thirdly, against the interests of the outside registered agents.

1528. That objection is to the effect, is it not, that the Chartered Institute is not sufficiently representative?—It is more than that. They have never attempted really to carry out the broad principles laid down in their charter and in the former institute in the system upon which they are working now. In addition to that, they have taken upon themselves the duties of Public Prosecutor, which is outside the objects of the institute; they have expended money in that direction instead of expending their money solely in carrying out the objects of the charter, which was a condition of their obtaining their charter, and which was a condition of their obtaining the licence of the Board of Trade in 1882.

1529. I suppose you admit the work of a patent agent is sufficiently separate from other work that it may be looked upon as a separate business or profession?—Yes.

1530. Then is it not desirable, in your opinion, that there should be some professional organisation established?—Yes.

Chairman—continued.

1531. How can that be done except by the constitution of some such body as the Institute of Chartered Patent Agents, I do not say as it at present exists, but some such body?—If the body were made truly representative of the patent agents of the United Kingdom it would meet it so far.

1532. Then does not it come to this: that while you admit it is desirable that there should be some body such as the Institute of Chartered Patent Agents, your only objection to the institute is that it is not sufficiently representative of the whole profession?—Yes, so far.

1533. If this institute were willing to extend its constitution or its organisation so as to bring, on fair terms, in some form or other, into association with itself the general body of patent agents, would your objections be to a large extent removed?—Yes, they would, so far as that is concerned.

1534. If it really became representative would it not tend to raise the character and status of the general body of practitioners?—Quite so, if it were entirely founded upon the broad general principle of representing the whole of the profession, in the first place, and if they would carry out their professed objects, in the next place.

1535. You have established a society, and that very fact shows you admit the proposition that it is desirable there should be some association for professional purposes?—Quite so.

1536. You did not like this institute, and therefore you refused to join it?—We first of all called the attention of the institute to the grievances which we felt, and we sent letters to them suggesting that the institute itself should propose a remedy.

1537. That is to say, you asked the institute to reform itself in the direction which you desired?—Precisely.

1538. If it had reformed itself in the direction which you desired, you would probably have joined it?—Yes.

1539. They not having complied with your wishes, you formed your own society?—We first formed a committee.

1540. How many of you formed this committee?—I think about 35 or 37 made up the original committee, so far as I can recollect at the present moment.

1541. That developed itself into the present Society of Patent Agents?—It did.

1542. Of which Mr. William Gadd, Civil Engineer, F.R.M.S., is the president?—Yes.

1543. And you are the vice president?—Yes.

1544. What is the constitution of that society?—I will hand in a printed copy of the trust deed and the bye-laws constituting it. This is the original trust deed, and this is a copy of the signatures to that document (*handing in the same*).

1545. The deed you have handed in is a deed poll dated the 24th of October 1893, and it is executed by a number of gentlemen?—Yes, by 35 members.

1546 Are all the gentlemen who have executed this deed patent agents?—Yes, they are all registered patent agents. About four or five have joined the society since.

1547. Do you meet regularly?—We do.

1548. And read papers?—Yes.

Chairman—continued.

1549. What else do you do in this society?—Principally we have been drawing up this Bill and promoting the objects we have in view, especially in connection with this proposed legislation.

1550. I suppose those gentlemen who have joined this society are *bonâ fide* patent agents?—Yes, they are registered patent agents.

1551. They are men who are practising?—Yes.

1552. Are they men who earn their living, or most of their living, by the work of patent agents?—Yes, as far as we can judge. Some of the members, especially those who are living in the country, in small towns, combine other occupations with that of patent agent; some are architects, some engineers, and so on; but I think there are not very many of them.

1553. Taking this list, are you prepared to tell the Committee that the gentlemen whose names are appended to it are gentlemen who do a considerable amount of patent agency business?—Yes, a fair amount.

1554. Some of them give the whole of their time to patent agency business?—Yes, a great many of them.

1555. In all its branches?—Yes.

1556. Including the registering of trade marks and designs?—Yes, most of them do that.

1557. If the Chartered Institute could come to some understanding with your society, and with other committees that are in existence (if any), and other individual agents who take an interest in the business, would it not be possible to arrive at some understanding as to the lines upon which some Bill should be brought into Parliament, and passed through Parliament, which would get rid of the difficulties which exist in connection with this register of 1888, and put the profession on a better footing than it is at present, according to the previous witnesses' evidence?—We have tried our best to do that; first, through the institute directly, and, next, through the Board of Trade, and we have been forced to come to Parliament. The Board of Trade informed us that it was necessary for us to draw up a Bill to present to Parliament; that the institute had already done so. It was proposed that we should present both our Bills to the Board of Trade, who would ask the representatives of each body to meet at the Board of Trade, and between the two bodies, and with the Board of Trade's sanction and approval, an endeavour should be made to formulate a Bill which would be acceptable to all parties. We began to draw up a Bill on those lines, relating strictly to the subject of registration. We were afterwards informed by the Board of Trade that it was necessary that our Bill should be an incorporating Bill, and when we prepared that, we were told it was necessary to bring it directly to the notice of Parliament, because the institute would not agree to meet us.

1558. Who told you that?—An Assistant Secretary of the Board of Trade.

Mr. *Warmington.*

1559. Did he tell you that by letter?—No; he personally told me and our secretary.

Chairman.

1560. The Bill of the Chartered Institute of Patent Agents proposes that a registrar acting under their instructions should keep the register; that they shall hold examinations of the candidates who desire to be entered upon that register; that they shall have the power to appoint a committee to consider the conduct of any patent agent who misconducts himself?—Yes.

1561. And that they shall have a power of discipline over the registered patent agents, subject to an appeal to a tribunal which is specified in the Bill; I will not refer to that because the constitution of that tribunal does not touch the principle of the Bill?—Quite so.

1562. What do you object to in that proposal?—In the first place, with regard to the register it is very important that it should be brought into accordance with the Act of 1883, the principal Act, because, as the Committee will readily understand, that is the Act under which we are working; that is the Act which affects the interests of inventors.

1563. In what respect is the register not in accordance with the Act of 1883?—Because the Act of 1883 provides that all registers shall be kept at the Patent Office, with the one exception of the Sheffield Register of Cutlers' Marks.

1564. You would prefer to have the register kept at the Patent Office to its being kept at the office of the Chartered Institute of Patent Agents?—Yes; that is in accordance with the provisions of the Act as I read them.

1565. Is your only objection as to the place where the register is to be kept?—That I understand to be absolutely necessary in order to allow the public to have access to it.

1566. That is what you wish?—Yes.

1567. That is your objection to the scheme suggested by the Chartered Institute of Patent Agents. Is there any other objection except the objection that you do not think the institute is sufficiently representatve?—Of course that at once takes away the registrar.

1568. Not necessarily, does it?—We have provided in our Bill for a roll of patent agents to be kept.

1569. What is the difference between a roll and a register?—The roll may be the original roll, and the disciplinary body or the body who has charge of it, who has the power to put persons on and off the register, does not necessarily affect the register itself as kept at the Patent Office.

1570. But the registrar who has the custody of the register or roll is only bound to obey the lawful orders of the disciplinary committee?—In that way it might be done, and we have endeavoured to do it strictly by the Bill that is promoted by us.

1571. Putting aside the question of the constitution of the institute, you do not seem to have any objection to the keeping of the roll by an officer appointed by the institute, provided the roll is kept at the Patent Office?—Provided the register is kept at the Patent Office.

1572. Have you any other objection to the scheme outlined by the institute?—Then, with regard to the fees for keeping the register, those fees must go to Her Majesty's Exchequer according to the Act of 1883.

1573. Surely

Mr. *Bousfield.*

1573. Surely you do not mean according to the Act of 1883; the Act of 1883 does not touch this question of the Register of Patent Agents; it is the Act of 1888?—The Act of 1888 amends the Act of 1883, and must be read with it.

Chairman.

1574. Your construction is that it must be read with it?—Yes.

1575. If the Act of 1888 is read fully with the Act of 1883, may it not authorise what the Board of Trade have done?—No.

1576. The judges of the Court of Appeal in Scotland have decided that it is not completely to be read with the Act of 1883. They have decided that the Act of 1888 stands by itself to the extent of charging fees, and there is no authority for charging fees in the Act of 1888, and that it is illegal for the Board of Trade to make rules which involved the payment of fees?—Precisely; the register is correct so far as the mere register is concerned in the Act of 1888.

1577. Would you rather have this register kept by a Government official than by an official appointed by a body representative of the whole profession?—I would rather have it kept by a Government official.

1578. Why?—Because any complaints that may be made with regard to patents or with regard to anything like fraud in applying for patents, and with regard to the payment of fees, would naturally be brought to the attention of the Comptroller.

1579. You think the Comptroller is a person better able to judge?—Yes.

1580. Is it not the fact that nearly all the professions prefer in the first instance to regulate their own affairs, with the right of appeal to some tribunal?—Quite so.

1581. Do you see any objection to that?—No.

1582. Is not that the scheme of the Chartered Institute?—There are two things involved in the scheme of the Chartered Institute; one is, to keep a register; and the other is, to control the profession.

1583. I am not speaking of controlling the profession; I am speaking of keeping the register; is not the scheme of the Chartered Institute the keeping of a register, the discipline of the profession by a disciplinary committee appointed by the Chartered Institute, with the right of giving that committee power, subject to appeal, to remove a man's name for dishonourable conduct from the register, and the right of appeal to a tribunal outside the Institute?—Yes; but it also involves the payment of yearly fees.

1584. That is another question. As to the payment of fees, I suppose it is necessary that money should be raised to keep the register?—The register as provided for in the Act of 1888 does not require more than the ordinary registration fee.

1585. Then your present statement only amounts to this: that you think the fees charged are too much?—No, they are continuing fees under the Chartered Institute's Bill; and under the Board of Trade rules they are continuing fees.

Chairman—continued.

1586. Would not you have any continuing fees then?—No, not unless the Act of 1888 is to be entirely changed as it were in its character with regard to patent agents.

1587. But who is to keep the register?—Whether it is a registrar appointed by the Institute of Patent Agents or a Government official, it must be some person; and that person will not be public spirited enough to do the work for nothing?—No.

1588. Then he must be paid?—Yes.

1589. Who is to pay him?—It will be just exactly the same as the registers are kept at the Patent Office.

1590. Then you will throw the work on the Patent Office?—Precisely.

1591. You would propose that the register should be kept by the Comptroller as part of his duties; is not that your proposal?—I beg your pardon——

1592. Or by some clerk or official at the Patent Office?—I am referring to the statutory right which is conferred upon every patent agent, which allowed them to be enrolled upon a register, and for that purpose it was necessary to carry out the principles applying to the other registers at the Patent Office.

1593. What you say is that the country should pay for it?—Precisely so, with the exception of the preliminary fees exactly as we should have to pay the Comptroller for enrolling a patent, or a license.

1594. Your objections to this scheme proposed by the Chartered Institute, are that you prefer that the register should be kept by a Government official because it would be at the expense of the country?—Yes, but reimbursed by fees paid into the Exchequer.

1595. And you would prefer to have the register kept by the Patent Office?—Yes.

1596. And you have another objection to any interferance by the Chartered Institute, that you do not think they are sufficiently representative of the whole profession. Is that all your objections?—No.

1597. What are the others?—There is a statutory right conferred upon all patent agents who are practising; and under the Bill promoted by the Chartered Institute if a man, for instance, fails to pay his yearly fee, then the register simply ends at the end of the year, and that man is deprived of a statutory right.

1598. I do not think that you need pursue that. The register is a continuing register necessarily?—But it is not so in the Institute Bill. It is a yearly register.

1599. It will be, if we pass the Bill, a continuing register. You need not pursue that. What other objection have you got?—To the register.

1600. To a register kept by a person who shall be appointed by a body representative of the whole profession?—That is quite sufficient; I have nothing further to say against it.

1601. Then if a body could be constituted representative of the profession, you have no objection to that body appointing a registrar to keep the register of patent agents?—Precisely.

1602. Do not you think it would be possible for you to put yourself in friendly communication with

Chairman—continued.

with the Chartered Institute of patent agents with the view of discussing with them the provisions of some Bill which would be acceptable to both of you, and to the profession generally, that would constitute an authority to keep this register, and to exercise a certain amount of discipline, subject to appeal, so that any individual might have a right to appeal to a tribunal of undoubted impartiality sitting in the public interest?—Yes, that is what we wished in the first place. We have tried ever since to bring it about, but finding that it was impossible, we were obliged to start a society of our own.

1603. What you propose by this society is by popular vote all the patent agents should create a council to keep the register?—Quite so.

1604. That is what you propose?—Yes.

1605. I suppose you will admit that the institute contains within it some of the principal patent agents?—Yes.

1606. Do not you think that it would be better to adopt this institute, and widen its basis of proceedings to some extent on the existing lines?—I should be very glad if it could be done in the way that you indicate.

1607. Have you any further suggestions to make to us with reference to either of these Bills?—I will just hand in these adhesions that we have to the principles of our Bill (*handing in documents*).

Mr. *Bousfield.*

1608. How many are there?—Eighty.

Chairman.

1609. Are these gentlemen whose names are here all patent agents?—Yes, all registered agents.

1610. They are the names of agents who approve of your Bill. How many are there?—Eighty patent agents.

1611. Are those registered patent agents?—All registered agents.

1612. Then what is this other list?—That is a list of qualified adhesions. Those are 14 which are qualified in minor details.

1613. How do you mean "qualified in minor details"?—There are some few who wish to have a few points dealt with differently.

1614. You mean to say that they do not altogether agree;—Not entirely.

1615. Therefore, of these 80 who have signed there are—— ?—Sixty-six unqualified.

1616. There are 66 who subscribe to your Bill entirely?—Entirely.

1617. Sixty-six who will adopt the Bill as it is?—As it is.

1618. And there are 14 who wish it to be amended?—To be slightly amended.

1619. In what respect do they wish that?—I have not gone through those.

1620. But they wish it to be amended?—Their reasons are stated on the papers by themselves.

1621. You appear, therefore, to approach, at all events as regards your contact with the profession, the numbers of the Chartered Institute?—Yes.

1622. I suppose you suggest that the gentlemen connected with your society, and who are in

Chairman—continued.

sympathy with you at all, approach the gentlemen connected with the Chartered Institute as to the extent of their business, or their work in connection with patents?—Yes, very nearly, if not entirely so.

1623. You say you think you represent as influential a body of patent agents, or very nearly as influential a body of patent agents as the Chartered Institute?—Yes.

Mr. *Mather.*

1624. Doing about as much business?—Doing about as much business, as far as I can judge.

Chairman.

1625. Is the work of yourself and your friends more particularly connected with trade-marks and designs than patents?—No, entirely with patents. When I say entirely, of course every patent agent registers trade marks.

1626. Did not it rather surprise you when you heard the evidence given by Mr. Lloyd Wise, and Mr. Imray, and the last gentleman, as to the unimportance, if I may use that word, in extent of business and position of the patent agents outside their institute?—Yes, it was very surprising, and I may say, very unfair. It was slandering the whole profession.

1627. Do not use words which are too strong. You say that that is incorrect then?—That is incorrect.

1628. And you say that the Institute of Patent Agents does not comprise within it all the ——?—Respectable people.

1629. Not all the respectable people, but all the patent agents who have the greatest business?—I daresay that there is a larger number of firms who do a larger business, taking them as a body; but there are some outside, who are with us, who have signed some of these papers, who really have quite as large a business as almost any one. We have many who are really in a large way of business with us. May I call the attention of the Committee to some evidence given by Mr. John Imray before the Departmental Committee in 1886. In answer to Question 513, he says: "Of course one of our great reasons for urging this"—that is the register—"is that we feel that the patent agents as a body have had a good deal of very unmerited opprobrium thrown on them because there are a few black sheep amongst them. I can vouch for the very great experience and knowledge of a great many patent agents; that there are most respectable, trustworthy, and highly qualified men amongst them, although there are a few black sheep; but it is our object, if possible, to keep them out."

1630. You do not agree with the very sweeping statements made by the last witness as to the want of a high standard of character and honour amongst a great many patent agents?—I certainly do not. As far as my experience is concerned (and, of course, I can only speak from that), I have not met with them; and farther than that, the Assistant Secretary of the Board of Trade said that he should be sorry to return to things as they were previous to the establishment of the register.

1631. Now,

Chairman—continued.

1631. Now, as to the number of patent agents, there seem to be about 240 registered?—About 244.

1632. Does that comprise all the people who may be called the *bonâ fide* patent agents?—As far as I can tell; but, according to the last witness, there were something like six or eight persons, at the outside, who could be considered black sheep; and they have received numerous complaints, according to that witness, and yet they have been unable to get the Board of Trade to go beyond trying one or two cases.

1633. Now we have got so far together that you agree that it is desirable that the profession or business of patent agents should be in some form organised?—Yes.

1634. And that there should be a register of them; that the register should be kept, and that a dishonourable man should be removed from it?—Quite so.

1635. Do you agree with examinations for admission to the register?—Yes.

1636. Then, before you start an efficient register, I suppose you would put on the register all *bonâ fide* practitioners?—Yes, certainly; that is their right.

1637. Then, having done that, do you agree with the kind of examinations that have been held by the Institute?—No, I think not. I have not seen the examination papers, but judging from the character of, say, Dr. John Hopkinson, a most able man, I think the papers that he would set to an ordinary applicant——

1638. How can you form or express an opinion if you do not know what the examination is?—But I happen to know a little about Dr. John Hopkinson.

Mr. *Bousfield.*

1639. Do you think he could set an easy paper?—Well, I hardly think he could to an ordinary man, at any rate.

Chairman.

1640. Your impression is that the papers are exceedingly difficult?—Yes, rather too difficult. I am not speaking for myself, or for ordinary practitioners.

1641. What sort of examination do you suggest is necessary and efficient for a patent agent?—In the first place it is very important that a man should prove his ability to describe an invention, and know something of the principles of technical work, technical details, and so on; and such a man should be a man who has passed, we will say, some time in an engineer's shop, or in some establishment where he would come in contact with tools, and know something of the application of the ordinary physical forces.

1642. I suppose you will agree that a patent agent should be a man of liberal education?—Certainly.

1643. And that he should have a knowledge of applied science?—Yes.

1644. That there should be some reasonably complete examination as to his capacity to do the work of a patent agent?—Yes.

1645. One of the witnesses said that a patent agent ought to have a good head and great

Chairman—continued.

powers of exactitude, of description, and definition?—Yes, very good definition he requires.

1646. You are therefore agreed that there should be an examination?—Yes.

1647. You heard the description given of the examination established by the Institute of Patent Agents; do you find any great fault with it?—No, I do not think that I could find any great fault with the Institute as regards the general principles of an examination of that sort.

1648. Therefore you agree that, the register having been established, men should go into the profession after examination?—Yes.

1649. And there would have to be, therefore, examiners appointed to hold those examinations?—Yes.

1650. Do you think that the Government could hold those examinations so well as a body representative of the whole profession?—No, certainly not.

1651. Then, if your first suggestion, that the register should be transferred to the Patent Office and put into the hands of the Comptroller, were carried out, you would not have these examinations?—I should distinguish between the two. The control of the profession is very different to keeping a registry.

1652. Do not you think it would elaborate this matter too much to cause these divisions?—No; at the present time we put certain things on the registers at the Patent Office.

1653. But those are different registers altogether?—They are nothing more than a list of certain things. There are a number of provisions in the Act of 1888 relating to registers and registration, mostly trade marks; but my contention is that the Act of 1888 must be read with the general provisions of the Act of 1883.

1654. That a court of law has dealt with. We will not go into that. If this register is efficiently established, you agree that it would be much better recruited by examination, and that the examination should be superintended by a representative body of the profession?—Yes.

1655. And that, therefore, these examinations can only practically be held by a representative body of the profession?—That is all.

1656. Then, that being so, how would you continue the register, unless you put it into the hands of some body, such as the Chartered Institute?—It would be for the governing body then to give their certificate, aad to have it recorded on the register at the Patent Office.

1657. Then all that the official at the Patent Office would have to do would be to keep a book, and enter the name given to him?—Precisely; that is all that the Act of 1888 contemplated.

1658. The Act of 1888 did not contemplate any examination?—No.

1659. What was the object of the register, then?—That was simply to record those who had a statutory right then to practise.

1660. But for what object; what did they pass an Act for?—The Act, of course, must speak for itself. I cannot speak as to the object

of

Chairman—continued.

of those who promoted it. The Act of 1888 was promoted by the Institute.

1661. But what object could be served by a register which was simply to be a list of names, from time to time added to at the instance of anybody who applied to have his name put there?—I can only refer to the conclusions of the Committee of 1886.

1662. If that is the futile object, do not you think it would be desirable for Parliament now to put a more definite purpose to it?—That may be. That is for this honourable Committee to consider, of course.

1663. You and your council would not therefore object, I suppose, to confer with the Institute with the view of coming to some compromise with them?—Oh dear, no. We tried to do it about a year ago, or more than a year ago.

1664. Do you think that no person should be at liberty to act in connection with the obtaining of patents unless he is a patent agent?—No, I am decidedly opposed to that.

1665. You are opposed to making the profession exclusive to that extent?—Yes, I think it would be a public calamity to prevent inventors taking the advice and taking the assistance of any persons they choose to apply to.

1666. Therefore, all you propose is that no person shall be allowed to hold himself forth as a person doing business as a patent agent unless he is examined and registered; but that anybody may do the work of a patent agent and act as an agent for inventors?—Quite so; but our Bill goes a little bit beyond that, because it really tends to put the spirit of the Act of 1888, as we construe it, into words.

1667. Then, you do not agree with the Chartered Institute that the Patent Office should not receive from anybody but the inventor himself, or a registered patent agent, a communication with regard to a patent?—No, I do not agree with that.

1668. You think that inventors should have free liberty to employ their own agents?—Free liberty to employ whom they please. Otherwise it would be a reversal of the principle on which the Act of 1883 itself was founded.

Mr. *Bousfield.*

1669. How many registered patent agents are there who are outside the Institute?—One hundred and seventy-four, I believe.

1670. You are one of that 174?—I am one of that 174.

1671. And your chief objection, as I have gathered, to this Bill is, that the body who would have the control of the register is not of a sufficient representative character?—Nor is it of a sufficiently changeable character, I think. I mean by that, that the council is practically irremovable.

1672. I suppose you would agree that, if the Institute were representative, or could be made representative, of the bulk of the profession, it would be preferable to any other scheme?—Certainly.

1673. You say you had a conference with the Institute a year ago, as I gathered, with that object?—Yes, in November 1892.

Mr. *Bousfield*—continued.

1674. Would you kindly give the Committee just shortly what the points that were discussed were, and what the result of it was. I should like to know shortly what steps you have taken to meet the Institute upon the matter?—May I put in a letter which we sent to them first. We sent *that* letter accompanied by *those* documents (*handing in same*).

1675. Perhaps I may read this. This letter is from a committee of patent agents to the president and council of the Chartered Institute of Patent Agents. It is dated 28th October 1892. "Gentlemen,—Meetings of registered patent agents (not in membership with the Chartered Institute) have been held recently to obtain the redress of grievances under which they labour, and in order to call your special attention to the same, we enclose a copy of a printed circular letter issued by the committee of patent agents, dated 29th September 1892, and a copy of the report of a meeting held in London on the 10th October 1892. From this report you will see that an executive committee was appointed with power to act, and it is in this capacity that we now address you. We beg to call your attention to the following facts: 1. That in pursuance of certain legislation and Board of Trade rules, all practising patent agents must be entered upon a register (under a penalty of 20*l.*), and pay certain entrance and annual fees. 2. That the register is kept by the Chartered Institute of Patent Agents, the registrar is the secretary of the said Institute, the above named fees are paid to the registrar, and the funds arising from the said fees are paid into the account of the Institute, and are under the control of the council of the Institute. 3. That of the 232 patent agents upon the last issue of the register, 66 only are Fellows of the Institute, the remaining 166 having no connection whatever with that body except as the involuntary contributors of by far the largest portion of the aforesaid funds. That notwithstanding this large and involuntary contribution to its support, the Chartered Institute has not invited those so contributing to its meetings, or obtained their sanction to the disposal of the said funds, and has given no benefit whatever in return therefor. Moreover, the sale of the publications of the Institute has been refused to those not in membership with that body, and discriminations in favour of the Fellows of the Chartered Institute have been made in the designations placed upon the register. 5. That amongst the professed objects of the Institute, there are, the formation of a representative body of the patent agents of the United Kingdom, and the maintenance of a high standard of rectitude and professional conduct, notwithstanding which, no steps have been taken to consult with, or ascertain the views of, those registered agents not in membership with the Institute, while the example of receiving high fees without giving an adequate return therefor cannot be accepted as a high standard of rectitude, or one to be followed by the outside registered agents in their professional conduct towards their clients. This derogatory condition of affairs reflects upon the whole profession, and demands from us every proper effort

to

Mr. *Bousfield*—continued.

to obtain a prompt removal of the grounds of our complaint. Feeling assured that no honourable body of men will be willing to continue this unsatisfactory condition of affairs after it has been brought to their notice, we trust that the officers and members of the Chartered Institute will take such steps as will fairly and fully meet all the circumstances of the case. In making this request, we abstain from suggesting any particular solution, believing that the dignity of the Chartered Institute is best maintained by its taking the initiative in the matter. Awaiting the favour of an early reply, we are, Gentlemen, Yours respectfully, (signed) *T. Wilkins*, Chairman. (signed) *J. Sinclair Fairfax*, Treasurer. (signed) *Reginald W. Barker*, Hon. Sec." Are those three gentlemen patent agents?—Yes, that was followed by an invitation to meet the council of the Chartered Institute, and a deputation of four of our members was appointed to meet them, and we attended. One of the members was Mr. Isaac Beck, of Sheffield. Mr. Lloyd-Wise, who was the President, addressed us, and said that it was a mistake for us to say that we received no benefit whatever from the Institute, and from the payment of our fees; that we received this benefit, that competition was excluded; we were not subjected to so much competition as we should have been otherwise, and he alluded to the fact that in one of our printed papers accompanying our letter it was stated that the Chartered Institute had only grown to the extent of about 20 from the time it had been formed up to that time, an average of two per year. He said that so far as the infusion of new blood was concerned, the council would not object to the four members composing the deputation being received into the Institute.

1676. As members?—As members, and if we wished to avail ourselves of that offer we should find no difficulty in entering the Institute.

1677. Did you make any proposals with regard to any number of those who were outside the Institute putting themselves up for election?—No, we were very careful to abstain from laying down any course of action, as you will see indicated by the last paragraph of that letter. We thought that the proper thing to do, and the proper way to maintain the dignity of the Institute, was for it to fairly look into the matter, and to make a suggestion itself.

1678. Do not you think that if the bulk of those who are outside were to submit themselves for election by the Institute, and were to be elected, it would solve all the difficulties of the case?—Well, I can only say, in reply to that, that the bulk have not done so, and that, either because of the amount of the subscriptions, or from the difficulty that has been felt with regard to getting into the Institute, or for other reasons, they did not do that.

1679. What do you mean by the difficulty that has been felt with regard to getting into the Institute?—Well, one of them; and it is one that I have heard mentioned several times; it is that it was necessary for a man to be proposed by a certain number of patent agents.

1680. How many?—I think it was four mentioned to me; but Mr. Imray in his evidence, I think, gave two; but, whatever it may be, patent agents really are not brought together as a rule. When we held our meetings preliminary to the formation of our society, we actually introduced men who were practising in the same street in Birmingham and in Manchester to each other. They did not know each other. They are isolated, and they are not very often brought into contact with each other, so that they are actually unknown to each other, and they do not like to ask favours of each other.

1681. Do you think there would be any practical difficulty in securing the nomination and election to the Institute of the bulk of the gentlemen who are now opposed to it?—I think so, in that way; and then again, the amount of subscription is considered to be far too high, and I have been informed that that is felt by a great many of the Chartered Institute members themselves. They complain, I have been told this week on very good authority, that they do not get the value of their money; and it was generally felt by the profession, as far as I can judge, that when the registration fee of five guineas was first imposed under the Board of Trade rules, together with the annual fee of three guineas, that, in itself, should be sufficient to cover all the costs of membership in the Institute.

1682. Then your view is that the bulk of the 170 outsiders would remain permanently outside the Institute?—Yes, rather than pay the high subscription fees.

1683. Now, of course, if the Institute had twice the number of members it could probably afford to charge a little more than half the fees?—Possibly; that is of course for them to determine.

1684. But you think that the fact of requiring nomination by four patent agents is a practical difficulty, which also would be a deterrent?—Quite so, and further than that, it was felt that when the profession was closed every respectable man ought to go on.

1685. Ought to go on what?—To go into the Institute I should say.

1686. You mean if it were the governing body of the profession?—Precisely, and receiving money from it.

1687. Do not you think that a speedy conference, such as you have said you are willing to have, with the council of the Institute and some prominent members of your society, would be of great assistance to this Committee and be likely to lead to some practical result?—I should be very glad, indeed, and I suggested that to Sir Courtenay Boyle in April of last year, I think, and he was quite willing.

1688. Could not you arrange that within the next few days, do you think?—It is not for me to arrange that.

1689. You are willing to meet the Institute half-way?—Quite willing.

Chairman.

1690. If the secretary of the Institute were asked to call a meeting of all the registered patent agents you would be ready to co-operate with him?—I think so. The very first thing that is

Chairman—continued.

necessary is that there should be a meeting called of all patent agents before any body can pretend to call itself the representative of the patent agents. We have sent circulars broadcast; we have held meetings in London, in Manchester, and in Birmingham, in order to come in contact with these men. We know their feelings, but the Institute have never done anything of the kind.

Mr. *Bousfield.*

1691. There are three names at the end of that circular which I have read. Those names are to a certain extent representative, are they not, of those who are outside the Institute?—Precisely.

1692. And you would have no difficulty in adding three more if it were necessary?—No, certainly not. I should be very glad to.

1693. You could arrange that, could you not?—I should be very glad to do so.

1694. The Institute hears what you say?—But you see, if I may say so, we have been met on all sides with attacks, through the public press and otherwise; we have been accused of being dishonest, and of being unqualified, and so on.

Chairman.

1695. Who is "we"?—I mean to say those outside.

Mr. *Bousfield.*

1696. Of course these 170 who are outside do include a certain number of black sheep, do not they?—I have been told so; but I simply must say that I cannot accept that until it is proved against them.

Chairman.

1697. Do not you think it would be better to avoid suggestions which, if there is to be any harmonious action, are calculated to interfere with it?—Yes; it does not come from me. The difficulty has not arisen from our side.

1698. Then perhaps you will set a good example and avoid doing what you say the others have done?—On April 27th there was an article in "Engineering" that I should like to put in (*handing in same*).

Mr. *Bousfield.*

1699. That is an article of Mr. Lloyd-Wise's?—Yes, I believe so.

1700. I have read the article you refer to of the 27th April 1894. That does not reflect generally on everybody outside the Institute, does it? It only says that there is a certain number of registered patent agents who are very unreliable persons. That is really what it comes to, is not it?—But that is all understood in every profession.

Chairman.

1701. But Mr. Lloyd-Wise admitted that there were members of the Institute who had not altogether conducted themselves in a way he approved of?—But he does not point out that in this article.

Mr. *Bousfield.*

1702. But, at all events, you are ready to meet the Institute in a reasonable discussion?—Certainly; we think ourselves there should be only one body ultimately, and that there should be only one body now. The profession is too small for two bodies.

1703. And if any endeavour could be made in the course of the next few days to draw you and the Institute together, you are quite willing to co-operate in a reasonable spirit?—We will do our best towards it.

1704. Now let me put one further point to you: Supposing that there is a difficulty in making the Institute include practically the bulk of the profession, would it satisfy you if the council, or other body that had charge of the register, and the discipline, and the examinations of the profession, consisted, to start with, of a nominated number of persons consisting, as to half of them, of members of the Institute, and as to the other half of them, of members outside the Institute?—Yes, I think that might be acceptable.

Sir *John Leng.*

1705. You have said that the Institute never has carried out the objects of the Institute incorporated in 1882, and of its charter. Will you refer more particularly to those objects?—If you will allow me, I will refer to the charter. The first object is stated to be the formation of a representative body of the patent agents of the United Kingdom for the purpose of promoting improvements in the Patent Laws, and the regulations under which they are administered; but on page 13 of this paper, read by Mr. Howgrave Graham, the secretary of the Institute, on the 28th May 1890, he states, speaking of the Act of 1888, that it conceded "at least the main principle which the Institute had kept steadily in view since its inception, viz., the immediate closure, and the prospective purification, if the term is permissible, of the profession of patent agency. The Act, moreover, contains all the most important recommendations of the Institute." And from that, and other things which have come to my knowledge since, I believe the main object of the council of the Institute has been to make the Chartered Institute itself a small body within the larger body of registered patent agents, and not to include the bulk of the profession; the respectable men, of course.

1706. To your knowledge, has the Institute in any way invited the general body of patent agents to become members of it?—Never to my knowledge.

1707. They have taken no steps in that direction?—None to my knowledge.

1708. They have rather acted as a club in which it is required that one or more members shall nominate any candidate who wishes to become a member?—To a certain extent, yes; a small selected body, but not as a club, for I think that even the council itself can hardly be said to be of a very clubbable nature, unless it is amongst themselves.

1709. You have said that there were a certain number of life members?—Yes.

1710. How are they appointed?—They are appointed by the charter in this way. It says: "John

Sir *John Leng*—continued.

"John Henry Johnson, John Imray, William Carpmael, and John Clayton Mewburn, past presidents of the Institute of 1882, shall be members of council of the Institute so long as they continue Fellows of the Institute." Of those gentlemen Mr. Johnson, Mr Imray, Mr. William Carpmael, with Mr. Lloyd-Wise were members of the Institute of 1882, and they have remained on the council ever since. I believe there have been very few new members of council.

Chairman.

1711. That is the way with the governing bodies of all professions. When a man goes on the governing body, and has experience, and position, and reputation, he is generally re-elected, and continues a member?—That is quite another matter, so far as the re-election is concerned; but these men are not put up for re-election.

Mr. *Bousfield.*

1712. You think they ought to be subject to re-election?—I think so.

Sir *John Leng.*

1713. Is there any power under the charter of creating life members?—Yes, *ex-officio* members become so. I imagine that would be the case under their bye-laws.

Mr. *Bousfield.*

1714. Past presidents?—Past presidents; but their bye-laws have been stopped from the opposition of the committee of patent agents, as Mr. Wilkins will be able to state to you, if necessary.

Sir *John Leng.*

1715. You said that of the 14 members of the council, 10 were connected with London firms. Do I understand that the other four are in the provinces?—No; there are no country members at all on the council. When I say that they represent 10 London firms I mean that there are two members of some of the firms on the council.

1716. And you would think it desirable that the council of such a body should be more representative?—Yes.

1717. You seem to object to the Institute carrying out the duties of a public prosecutor? Yes.

1718. Is not it necessary that some official, or somebody, should purge the roll, or register?—I think it is quite sufficient for the governing body to state certain things, or make a report to the Board of Trade, who are the controlling body.

1719. Then you would rather leave with the Board of Trade the power which it at present possesses?—Yes; but with this further extension: that it may delegate its powers to the court; and in fact that is provided for in some respects in the Act of 1883.

Chairman.

1720. Delegate its powers to the court?—Yes.

1721. The words in the Act are that it may refer to the court?—Yes.

Sir *John Leng.*

1722. What does your society specially propose in its constitution? Will you give a brief statement of its objects to the Committee?—I have put in already the constitution which states the objects of our society.

1723. Does it go at all beyond the control of the register?—No, we simply keep a roll of patent agents; that is to say, we will call it briefly the roll of the registered patent agents, any changes at all we notify to the Comptroller.

Mr. *Bousfield.*

1724. You do not mean that you propose that your society should keep the roll?—We simply keep the roll of our members. So far as the Bill that we are promoting goes that proposes to take the names of all registered agents, and to send a list to the Comptroller, and to notify the Comptroller of any changes which may take place.

Sir *John Leng.*

1725. You said that you were trying to come to an arrangement with the Institute, I think, in 1892?—Yes.

1726. You also said that the Institute would not agree to meet you?—It did not go beyond this particular delegation. We heard nothing further, and then we wrote this letter on the 30th December 1892, if I may put it in (*handing in same*).

1727. Was that before or after a deputation of your body met the council?—That was after, but nothing came of the deputation or the meeting.

1728. Who broke it off?—Well, it was simply this, that the Institute said that they would take into consideration what we said; and we heard nothing further from them.

1729. They offered to elect the four members of the delegation as members; but I suppose that you did not think it right, as representing a large body outside, to allow any such offer to induce you to separate yourselves from them?—We said in that letter that so long as we were in a representative capacity we could not accept anything for ourselves that was not given to the whole body we represented.

1730. I understood you to say that the Act of 1883 requires that the register should be kept at the Patent Office. Is that so?—Yes, that is so.

1731. Is it the original register, or a copy of the register kept by the registrar of the Institute?—May I say that the Act of 1888 does not explicitly say that the register of patent agents shall be kept anywhere; but there are a number of general provisions relating to registers, and if I may read the one that relates to patents I think that governs the whole case, although there is confirmation of it.

Mr. *Bousfield.*

1732. I do not think that will help the Committee, because it really only provides for the register of patents, the register of trade marks, and the register of designs. The Act of 1883 does not touch the question?—That relates to a statutory

Mr. *Bousfield*—continued.

statutory right, and I am rather wishful to press that, because there is Section 27 in the Act of 1888 which enforces that, and it has never been quoted to my knowledge.

Chairman.

1733. You may as well read that then?—It is the 27th Section, I think, of the Act of 1888.

Mr. *Bousfield.*

1734. That says that the principal Act shall take effect subject to alterations made by the later Act?—It says that "nothing in this Act shall affect the validity of any Act done, right acquired, or liability incurred before the commencement of this Act." It was taken that a man acquired a right from his *bonâ fide* practice to be put upon the register.

Chairman.

1735. Where do you find in the Act of 1888 any provision that incorporates into that Act the provisions of the Act of 1883?—In the preamble it says: "Whereas it is expedient to amend the Patents, Designs, and Trade Marks Act, 1883, hereinafter referred to as the principal Act;" and the title is "An Act to amend the Patents, Designs, and Trade Marks Act, 1883."

1736. I do not think this very materially affects it. It is quite clear that all the provisions of the Act of 1883 were not incorporated in the Act of 1888. That is quite clear. The decision of the Court of Appeal in Scotland in Lockwood's case practically settled that?—Yes.

1737. The clause you are referring to is the 29th Section of the Act of 1888. "This Act may be cited as the Patents, Designs, and Trade Marks Act, 1888, and this Act, and the Patents, Designs, and Trade Marks Acts, 1883 to 1886, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888." That is merely a short title for the purposes of convenience of citation?—Quite so.

1738. It does not incorporate all the provisions of the Act of 1883 in the Act of 1888. I do not think this touches the question?—That may be; but it amends certain sections, and the word "registered" occurs something like nine times.

Sir *John Leng.*

1739. Speaking generally, you think that the patent agents, as a body, would prefer that the register of patent agents should be kept at the Patent Office rather than under the control of such a limited body as the Chartered Institute at present is?—Yes. It is one of the provisions of our Society of Patent Agents.

1740. You said you thought it would be a calamity to prevent applicants for patents taking assistance from those they thought might give it. How do you reconcile that with the phrase in the 14th Section of your Bill, which says that "any person resident in the United Kingdom, whose name is not on the register, who acts or describes himself as a patent agent," and so on?—That is very strong, and we attempted there to put in, as we considered, the spirit of the Act of 1888. We considered that the words "or

Sir *John Leng*—continued.

otherwise" in the Act of 1888 really meant that any person describing himself as a patent agent in any way was really amenable to the penalty, and we have put it in actual form so that it should no longer be ambiguous. I may say that some persons have been practising as patent agents since the Act of 1888 was passed, and have told us that they have been *bonâ fide* practising, and we saw no reason to doubt it, relying on the fact that the law allowed them to do so, and in order to meet their case we should be very glad to make an amendment in our Act to take them in.

Chairman.

1741. That is to say, they have down to the present time been practising as *bonâ fide* patent agents?—Precisely; and, therefore, in Section 5 of our Bill, if the Committee pleases, we are quite willing that it should read, "Every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act"——

1742. That is what you have just said?—Then, I have also to put in an arranged clause with the Incorporated Law Society.

1743. That the Incorporated Law Society themselves will put in?—They have asked me to do it, and that is all I wish to do. This is the original copy signed by Mr. Bristow (*handing in same*).

1744. What I understand is, that with regard to your particular Bill, you entered into communication with the Incorporated Law Society, and they said that if your Bill were adopted by the Committee, the amendments which are shown by the Paper you have handed in would satisfy them. That is what you mean?—Yes.

Sir *John Leng.*

1745. I take it from you, adverting to the answer which you have just given, that you are quite willing to assent to a modification of that 14th Section, which would protect the interests of those who have been *bonâ fide* practising up to this date?—Yes.

Mr. *Warmington.*

1746. Leaving aside all feeling, your society has exactly the same objects as the Chartered Institute?—Well, we have the object of enhancing the position of the profession.

1747. That is the same object, is not it?—Well, we apply generally the principles it has applied particularly.

1748. I suppose that there has been some little feeling of hostility between yourselves and the Institute?—As soon as we found we could not get any consideration from them.

1749. I want to ask you this because I should like to bring you together. I have hit on something here that perhaps may have caused a little friction. I see one of the objects named in your bye-laws is to "defend its members against illegal, arbitrary, frivolous, or malicious acts or proceedings on the part of any person or body entrusted with any part of the working of the said law." I suppose that was a polite reference to the Institute?—Well, it may be taken as such.

1750. Really

Mr. *Warmington*—continued.

1750. Really your society is founded on exactly the same lines as the Institute, is not it, even including the objectionable part, of all past presidents being *ex officio* members of the council?—For one year only, under our Bill; that is a different thing.

1751. I am not talking about the Bill; I am talking about the bye-laws; is not that so?—That is so, under the society's bye-laws.

Mr. *Bousfield.*

1752. You do not propose that your society should have charge of the register?—No.

Mr. *Warmington.*

1753. This is an objection that Mr. Fairfax made to a question as to the constitution of the council of the Institute. Your own council is just the same?—No; there is a very great difference. In the charter it states that certain members should be members for life.

1754. Just let me read this:—"Council. The council of the society shall consist of the president, all past presidents"; that is the very point?—Yes.

Chairman.

1755. And in your Bill you mention three gentlemen, I think, whose names are to be on the council?—They are only for six months, practically.

Mr. *Warmington.*

1756. You also agree that it is desirable, in the interests of the public, that patent agents should be, not only persons of honesty, but persons of adequate skill and knowledge?—Certainly; but may I say this, that we take it that the members generally will know and apprehend (it is generally the case in all societies) that they have the power of election, but it would require a surrender of the charter or a special Act of Parliament to remove these men I am speaking of.

1757. Is there any difficulty in calling a meeting of the whole of the registered patent agents, on the joint invitation of an official of your society and an official of the Institute?—We shall have no objection to that.

1758. You do not know of any difficulty?—I do not know of any difficulty on our side.

1759. Then would there be any difficulty in ascertaining the views of the general body of the Institute with regard to both Bills as to what is really required?—What we have put in that circular represents as far as we can go.

1760. I do not think you make any reference in these circulars to the Bill of the Institute?—No, but I think both sides sent out those circulars, both the Institute itself and ourselves, so that the whole of the profession has been canvassed, and we have that number of adhesions.

1761. There will be no difficulty if such a meeting were held in ascertaining the views of the general body?—I suppose not.

Mr. EBENEZER JOHN BRISTOW, called in; and Examined.

Chairman.

1762. YOU are a solicitor and a member of the firm of Wilson, Bristows, and Carpmael?—Yes.

1763. You are a member of the Incorporated Law Society?—Yes.

1764. And you are a past president of that society?—Yes.

1765. And as a member of the council of the Incorporated Law Society, you have been requested by the council to represent their views to this Select Committee?—That is so.

1766. I believe that your firm has had large experience of patent work for something like 40 years?—Yes, for quite 40 years we have been engaged in patent matters.

1767. You are well acquainted with the work of the Patent Office and with the proceedings in obtaining patents?—Yes.

1768. Have you made yourself acquainted with the two Bills which are before the Committee?—Yes, I was asked to look into them on behalf of the council, with a Committee, and did so.

1769. Have the council of the Incorporated Law Society, representing the profession of solicitors, any objections, and if so what objections, to the Bills?—Yes; we had numerous objections raised by the various associations, branches of the Incorporated Law Society; and we ourselves passed a resolution on the subject, objecting to the Bills on the score that they

Chairman—continued.

practically deprived solicitors of the capacity for conducting business which up to the present time, and at the present time, they are entitled to undertake. As a matter of fact, these Bills would have prevented solicitors from carrying on any patent business whatever. At this time (the Committee understands what I mean by "this time") any solicitor could apply for a patent; he could apply for and conduct amendments or disclaimers, or anything connected with patents; whereas, as these Bills were drawn, it seems to me that if a solicitor had actually granted a licence under a patent for a client he could not have taken it to the Patent Office and registered it. There was an absolute prohibition of all business whatever. Under these circumstances, we had a meeting with the promoters of these two Bills.

1770. I believe that until more recent times the work of obtaining patents was essentially legal business, and transacted by solicitors?—I have no doubt in early times it was so to a great extent.

1771. That is, until recent developments, more especially under the later Patent Acts, brought into existence a class of gentlemen who devoted themselves more particularly to patent work?—Yes, that is so.

1772. Therefore it is only in continuation of the old custom that the solicitors are acting in patent cases, the matter being legally under the

Chairman—continued.

control of the Lord Chancellor until comparatively recently?—Yes, that is so; and there is a good deal of patent business which at the present time is conducted by solicitors.

1773. You were going on to speak of the communications you have had with the promoters of both these Bills?—Yes. I attended a meeting of the promoters of the Chartered Institutes Bill. We saw them in the first instance, and we pointed out, what they professed to have overlooked, the fact that the Bill was creating a monopoly as against solicitors, and they at once agreed to a clause which, if approved of by the Committee, would remove our objections to the Bill, assuming that they approved the Bill on other grounds. We afterwards saw the promoters of the other Bill, and obtained very much the same concession from them; so that, as far as the Incorporated Law Society is concerned, and looking only to the interests of our own profession, we shall be satisfied if the Committee adopt the Bill, if they will also accept our amendments.

1774. If they adopt either Bill?—Yes, either Bill, as long as the amendments we have agreed to are also adopted.

1775. Can you favour us by handing in those amendments?—Here are the original documents which were signed; they are rather rough (*producing same*).

1776. Perhaps you will retain those and supply us with a copy?—Yes; I think you will find you have copies.

1777. Has the council in any way considered this proposal to constitute the patent agents a separate profession or business with certain statutory powers and authority in a governing body from any public point of view, or only from the point of view of the solicitors' profession?—I think we felt it was hardly in our province to consider it from the general point of view; we leave that to the Committee.

1778. Have you anything further to say with regard to this matter?—Nothing. I come here in the position of a once opponent, but now a satisfied one.

1779. But you point out to us that the Bills, as they were originally introduced, would have interfered with the class of business which solicitors have been always in the habit of transacting?—Exactly.

1780. And are fully competent to transact; and you desire, now that you have been excepted from the operation of the proposed legislation, that you should be allowed to conduct the business which you have hitherto carried on to the satisfaction of your clients?—Yes.

Mr. *Bousfield.*

1781. Now that we have got you here, I should like to get a little general information from you. Our Chairman is very familiar with the proceedings of the Incorporated Law Society, but will you kindly tell us the position in which your society stands with regard to the profession of solicitors in general; the way in which it stands with regard to the Law Institution, and the club facilities which that affords, and the way in which the Incorporated Law Society discharges its disciplinary functions. Will you give us that information in a few words?—Yes, I can do that. The Incorporated Law Society does not include the whole number of solicitors in the profession, but somewhere about 7,500 out of 15,500. That would be taking the figures a little roughly. You may say about half belong to the Incorporated Law Society. Those members who join us pay a certain subscription to the society which the others do not.

Mr. *Bousfield*—continued.

1782. Can you tell us what that is?—That subscription is, as regards a London member, 2*l.* a year, and as regards a country member, 1*l.*; but for the first three years that a man takes out his certificate those payments are reduced by one half. Then we also make another reduction in the case of a member of the Incorporated Law Society, who is also a member of one of the country associations.

1783. May I interrupt you, I do not quite understand what you mean by "we"?—You asked me as to the Incorporated Law Society: I am speaking of the Incorporated Law Society only. Then there are a great many local law societies, and as regards any gentleman who is a member of a local law society, he pays only 10*s.* a year on joining us, because, of course, he pays his subscription to his own society. Of course those solicitors who are members of the society are the body who choose the members of council, and generally take an interest in the carrying out of the objects of the society itself. The members of the council are selected by those, and not by the general body.

1784. What is required of a solicitor who desires to join the Incorporated Law Society?—He gets one solicitor to sign a recommendation. One member of the Incorporated Law Society signs a paper which states generally that he is a suitable person. His name then comes up for ballot at a council meeting, and the name is balloted for, and, I need not say, unless there is some very notorious objection to the man, he is always admitted.

1785. Can you give us any idea how many members are admitted in the course of the year on an average?—I can only say that we have a fairly long list every Friday.

1786. Every week?—Every week.

1787. How often does it happen that anybody is blackballed?—I do not think that in the last 10 or 12 years I can recall more than two cases.

1788. Perhaps, I may be allowed to ask you this, what connection has the Law Institution in Chancery Lane with the Incorporated Law Society?—Everything. It is practically the property of the society to begin with. It is the place where all the official duties of the society are carried out, and there is also, in connection with it, a part of the building devoted to a more social aspect, that is a club.

1789. Then is every member of the Incorporated Law Society entitled to all the advantages of the Law Institution?—Everyone. Of course, on joining the club you have to pay the ordinary subscription necessary for that which he gets there the same as at an ordinary club.

1790. That

Chairman.

1790. That is only to meet the ordinary expenses of carrying on a club?—To meet the ordinary expenses.

Mr. *Bousfield.*

1791. Then there are members of the Incorporated Law Society who are not members of the social club, which also has its home at the Law Institution?—Yes.

Chairman.

1792. But every member of the Incorporated Law Society can become a member of the club by paying the annual subscription?—That is so; there is no exclusion at all.

Mr. *Bousfield.*

1793. What does the Incorporated Law Society do for its members for the ordinary subscription apart from the club subscription, may I ask?—It takes care to keep its members acquainted with any new rules that may be about to be made and with any contemplated legislation which it may be considered advisable either to promote or to resist, and generally it does its best, in fact, to keep the members protected.

Chairman.

1794. And it provides a library?—It provides a library.

Mr. *Bousfield.*

1795. Is that open to everybody?—Every member, and also there is a committee which sits to decide all questions which may arise between members on such questions as what is the proper scale on which to be paid for certain transactions, or any differences which may take place as regards documents or the hundred and one little things which will occur between firms without any absolute disagreement, points to be set right. We have a committee called the scale committee, which sits upon those questions, and every member is entitled to have the decision of the committee upon any points submitted.

Chairman.

1796. It also provides lectures for students and examination classes for articled clerks?—Yes; but the honourable Member asked what it did for the members of the institution. The lectures and all that are connected with the educational part. All that, of course, we do, but that does not apply to the members, that applies to the students and articled clerks.

Mr. *Bousfield.*

1797. Do they pay subscriptions also?—They have to pay subscriptions towards the lectures.

1798. Are the students nominated by members?—They have a perfect right to go.

1799. But originally do they pass through some form of nomination?—I think not. Every member of the society has a right to send his articled clerks.

1800. I am quite excluding now the social part of the society; I want to know what the ordinary members get for their subscriptions; what rights they have; do you have papers read and discussions for the members of the society?—No. A member may attend, if he likes, all these various lectures on paying a small fee for the course.

Mr. *Bousfield*—continued.

1801. Those are the educational meetings?—Yes.

Chairman.

1802. But you have quarterly meetings of the society for the purpose of discussing any professional questions which members may desire to bring forward before the society?—Yes.

1803. And you have also provincial meetings held?—One provincial meeting each year.

Mr. *Bousfield.*

1804. Would they be to determine upon a mere question arising out of some particular circumstances, or general questions affecting the profession?—Ordinarily general questions; but we have had particular questions at times brought forward, such as the ruling of a certain judge, or something of that kind.

1805. Do you publish any volume of transactions?—We publish each year a report of everything that has taken place and it becomes a moderately thick volume.

1806. Then as to the disciplinary committee, is that the council or some body elected by the council?—Under the Solicitors Act the council nominates certain of their body to form what is called the discipline committee. Having nominated those members they are appointed by the Master of the Rolls, and they have the duty of sitting to hear complaints which may be brought before the council of misconduct and so forth, on the part of the solicitors complained of. The discipline committee having heard these matters make their report, which report is filed in the court. They make their report to the court, in fact. They may either report that there is nothing requiring any further comment and the matter then drops; on the other hand, if it is a matter in which they find that there has been misconduct, they then are bound to bring the matter before the court and the matter is heard out before the court again. Their report is read, and the other side has an opportunity always of explaining or mitigating, as far as possible, what has been found against them, and the court then pronounces judgment. As a matter of fact the discipline committee takes the place of the master of the old days. Formerly all these complaints against solicitors were referred to one of the masters of the court, but it was found to be much more convenient that they should be heard by solicitors who understood what was going on.

1807. Then, of course, a solicitor is an officer of the High Court?—Yes.

1808. And I presume that the striking off and putting on the roll of solicitors is not done by the Incorporated Law Society itself?—We are appointed the registrars, so to speak, of the roll of solicitors. We can put a man on the roll, but we cannot take him off without the order of a judge or the court.

Sir *John Leng.*

1809. I have had handed to me a circular of the Incorporated Law Society, in which I observe it is distinctly stated that "every practising

Sir *John Leng*—continued.

tising solicitor is qualified to become a member of the society, and candidates are proposed by one member only"?—Yes, I stated that.

1810. I take it that the society is constituted, not merely for the convenience of its members, but with a view generally of elevating the profession?—Certainly.

1811. The annual subscriptions for town members is 2*l.*, and for country members 1*l.*, and for country members, who are members of the Law Society of the district in which they practise, the annual subscription is only 10*s.* All these subscriptions are reduced by one-half for the first three years of a man's admission. I presume that is to make it easier for younger members of the profession to join the society?—That is the object of it.

1812. May I ask if you have an entrance fee over and above those charges?—No, there is not.

1813. I do not know whether you have been in the room, and heard all the previous evidence, but if you were told that in the case of the Chartered Institute of Patent Agents the entrance fee is 10 guineas, and that in addition to that the annual subscription is four guineas, and that there is a further payment of three guineas to the registrar, I suppose you would consider those charges, as in point of fact they are, very much higher than what your society imposes?—That is obvious, of course; but then they escape the payment which we solicitors are obliged to make always for the privilege of becoming solicitors.

Sir *John Leng*—continued.

Before a lad can be articled, he has to pay 80*l.* for a stamp, and a man who has passed and wishes to be admitted has to pay to the Government another 25*l.* for a stamp.

Chairman.

1814. And an annual charge he has to pay?—And an annual charge he has to pay, all of which these gentlemen are free from.

Sir *John Leng.*

1815. I have only one other question to ask you as a Scottish Member, and that is whether the clauses you have prepared will protect the rights of Scotch solicitors?—Yes, I carefully put in words to do that. I think you will find in the definition of the word "solicitor," which I put in. I put it in this way: "'solicitor' means and includes any person for the time being entitled to practise as a solicitor of the Supreme Court in England or Ireland, or as a law agent before the Court of Session in Scotland," which I understood to be a wide term which would include Scotch solicitors.

Mr. *Warmington.*

1816. I suppose you would rather not give evidence as a member of the public or on public grounds. You come here simply as the mouthpiece of the Incorporated Law Society?—That is all, and as one who has been settled with it would be scarcely fair for me after that to say much.

Mr. Thomas Rawle, called in; and Examined.

Chairman.

1817. You are a member of the well-known firm of Rowcliffes and Rawle, solicitors?—I am.

1818. And a member of the Council of the Incorporated Law Society?—Yes.

1819. You have heard the evidence of Mr. Bristow?—Yes.

1820. Do you agree with the views which he has expressed?—Entirely.

Chairman.] I think, and it is also the feeling of the Committee generally, that the Council of the Chartered Institute of Patent Agents should meet the governing body of the Society of Patent Agents, and if possible

Chairman—continued.

consult any other patent agent who is taking an interest in this inquiry, with the view of coming to some understanding as to the terms of a Bill which would be acceptable generally to the patent agents, in order that there may be something like unaminity, and that the Bill from their point of view may be looked upon as a consent Bill. I cannot say what the Committee will do with it or that they will accept the decisions that the patent agents may arrive at. Of course we have to look at it from the public point of view entirely, and we may not think it desirable to do anything in the matter.

Tuesday, 5th June 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Bousfield.
Mr. Heywood Johnstone.
Sir John Leng.
Mr. Mather.
Mr. Nussey.
Mr. W. F. D. Smith.

MR. THOMAS HENRY BOLTON, IN THE CHAIR.

Mr. WILLIAM GADD, called in; and Examined.

Chairman.

1821. YOUR office, I believe, is at 64, Barton-arcade, Manchester?—Yes.

1822. I believe you are a patent agent of long standing?—I am.

1823. And you have also been in business as a consulting engineer?—Yes; on my own account for 34 years.

1824. As a patent agent and consulting engineer?—Yes.

1825. Before that, had you any experience in patent agency work?—As assistant to the consulting engineer with whom I was articled, I had prepared a good many specifications and made the drawings.

1826. Where have you principally practised?—During my assistantship I was in London, and then I removed to Manchester where I have been chiefly in practice nearly all the time, although for a short time, a year or two before going to Manchester, I was in practice in Nottingham.

1827. Have you had practice in obtaining patents?—Well, I think as much as most country practitioners, anyhow.

1828. Have you had opportunities of ascertaining the opinions and feelings of patent agents in various parts of the country with reference to the subject-matter of our inquiry?—I have.

1829. Will you be good enough to give us any information as to what you believe to be the opinion of the patent agents to whom you refer?—Patent agents, I am sorry to say, have in the past especially been a very exclusive or isolated class of professional men. They have had great jealousies one of another, and it has been very difficult to ascertain, with any degree of accuracy, the opinions in the past that patent agents have had on any matter connected with the profession. Recently that fact of isolation, so to speak, has been to a large extent dissolved, and I have been able to get at the opinions of patent agents that I have come in contact with in the country with greater facility. The general opinion, so far as I have been able to ascertain it, is, that the accident of the Institute of Patent Agents' existence, coupled with the Act of 1888, throwing upon them the onus of keeping the register and so forth, has given to the Institute an undue preponderance in the profession, and has militated against the smaller men, especially in the country, and it has therefore been their feeling that especially the more leading firms in London have benefited to a large extent from that accidental condition than they ought in strict justice to do. That I think is the basis really of the whole difficulty. It is a feeling that there has been in a measure, and especially in the previous alteration of the law that has been made, so to speak, an attempt, I do not say a deliberate attempt, but the effect has been to give to those who have already very largely, and take away from those who have not, even that which they had. That seems to be pretty well the general feeling of patent agents, so far as I can make out, without passion or without any personality or feeling of any kind whatever. That has been the general impression.

Chairman—continued.

1830. You mean to say that among a considerable number of patent agents with whom you have come in contact, and whose opinions you think you represent, there is a want of confidence in the Institute?—Yes.

1831. You know how the Institute came to be constituted, I suppose?—I believe so, because at some time, I am not quite sure from memory, but I think it must have been in 1882, I received a printed circular inviting me to join this proposed Institute. I did not take any steps in the matter. I did not respond to that invitation, chiefly for the reason that I could not see what advantage was to be obtained by a country practitioner who could not attend their meetings at all in London, for what appeared to me the rather large subscription which they were putting forward. Furthermore, I did not feel in my business any necessity for any particular outside aid of that character.

1832. I believe you are one of those gentlemen who formed a committee and subsequently a society called the Society of Patent Agents?—I am.

1833. Do you agree with the evidence that has been given by your deputy chairman before this Committee, Mr Fairfax?—Yes; I have read Mr. Fairfax's evidence. I have taken occasion to

Chairman—continued.

to read it last night and this morning, and I think that in the main I largely agree with it. My position is chiefly this, personally: I have the objection that if a ring of professional men is formed within the general ring fence of the profession by the close of the profession, that inner ring should not be the governing body of the profession. That, I think, somewhat picturesquely described my opinion; and especially if the outcome of that is to the prejudice or disparagement of gentlemen outside of that inner ring. I should extremely regret to assign any motive to any professional gentlemen at all; but I am sorry to say that the outcome from some cause has been the disparagement of members of the profession outside the Institute.

1834. Then it was a feeling of want of confidence in the Institute, and in the action of the Institute, that led you and Mr. Fairfax and other gentlemen to form the Society of Patent Agents?—That is so.

1835. Was there any pressure brought to bear upon you, or any other member, to join the Institute, or to bring you into the Institute?—No; I received the invitation by circular which I have described, but I have never received any approach of any kind whatever from that day to this.

1836. I suppose you agree with the witness who represents the Chartered Institute of Patent Agents, and with Mr. Fairfax, that there is a feeling among patent agents that their trade or business or profession should be in some form constituted, and given some additional status?—Yes, I have that opinion most decidedly. I think it is necessary.

1837. Therefore you think that there should be some organisation of the profession?—I do.

1838. So that they should be recognised and put on a register?—Yes.

1839. That there should be a certain amount of discipline exercised over them?—Certainly.

1840. With regard to the register, you are in favour of the establishment of a register, I presume?—I am.

1841. By whom do you think that register should be kept?—By one of two bodies, so to speak, either by a council which represents distinctly the whole profession, which is the proposal we have made in our Bill, or, failing that, for it to be kept as a public register at the Patent Office.

1842. How do you propose that that register should be constituted in the first instance?—I admit that there is a difficulty there which has arisen from the 1888 Act, and I fully appreciate the difficulties that I have found in the evidence put forward by your honourable self, and other honourable Members of the Committee, with regard to the starting of the register. I am distinctly of opinion that to get the register closed, so to speak, it will be necessary to submit to many things that in other circumstances we might not submit to; because there are men who have already got upon the register, and we have no right to take them off. There are men also who have acquired rights to go upon the register, and we shall have no right therefore to interfere with them. We may suffer, I think some temporary evil, but the thing will right itself in a very few years.

Chairman—continued.

1843. Therefore you agree with some suggestions that have been made during this inquiry, that the register should be constituted, not only by taking the present patent agents who are on the register, and who were in practice up to 1888, but also by taking in others who are not on that register, but who would be entitled to be on that register if they claimed, and also any other *bonâ fide* patent agents who have come into practice between 1888 and now, so as to constitute the register in the first instance?—I think that is necessary.

1844. Then, having done that, how would you regulate the future admissions to the register?—I am perfectly agreeable to accept the wisdom of the Select Committee on that point.

1845. What is your suggestion?—My suggestion is that which we have formulated in the Bill, a proper examination, but to be conducted by a perfectly independent authority, who shall be, as the old saying has it, like Cæsar's wife, above suspicion.

1846. Do you agree that the examination should not only take the form of an examination into a man's respectability and character, but also an examination into his general education, and also an examination of a technical character with reference to subjects which possibly may come within the scope of a patent agent's work?—I think that it is perfectly necessary that a patent agent should have, to commence with, a fair all-round knowledge of a technical character, and that his examination should go to show that he has it.

1847. That he should not only be a man of respectability, but a man of general education?—And ability.

1848. Of general education?—Yes.

1849. And that he should also have a certain amount of scientific or other technical knowledge useful in the work of a patent agent?—Yes, especially mechanical knowledge, because the majority of patents are mechanical.

1850. And you think that there should be an examination for that purpose?—Yes.

1851. Do you think that that is necessary in the interest of the public?—I do.

1852. I am not referring to the interest of the profession of patent agents, but in the interest of the public?—No, I am speaking in the interest of the public.

1853. How do you think the public are interested, then, in having a patent agents' register recruited by this process of examination?—Well, particularly, it may be illustrated in the case of, say, an inventor who is an illiterate man. I am not now speaking necessarily of the working-man inventor, but an illiterate manufacturer even may have a very valuable invention, and he is not capable of checking off, or perusing his draft specification, to test whether it really and truly does represent his invention. Therefore, a great deal of responsibility rests with the patent agent to see that that is done, and if he also is unable, for want of reasonable technical knowledge, to properly define an inventor's invention, the inventor,

Chairman—continued.

ventor, of course, suffers the whole brunt of the loss.

1854. You think, therefore, that, because there are a number of people who are not able to judge of the capacity and the qualifications of people holding themselves out as patent agents, there should be examinations required with reference to them, that they should be put on a register, and that they should be certificated to a certain extent?—I do. That is, perhaps, proved by something which will affect another question which you asked me. I have recently, and especially recently, been several times confronted, rather to my amusement, with the question as to whether I was a properly qualified agent, and the person asking me the question has said that he had been told that I was not, because I was not a member of the Chartered Institute; so that, you see, they do make inquiries as to a man's capacity.

1855. Therefore, in the interests of the public, you suggest that there should be these examinations to ascertain the qualifications of people applying to be put on this register?—I think so.

1856. Do you think that these examinations could be conducted better by a Government Department, say, by the Civil Service Commissioners, or by some other authority, than by a body representative of the profession generally?—I think that the ideal position would be an examining council taken from a body that was really and truly representative of the whole profession; but, personally, if that cannot be brought about, I am willing to accept a Government official as being perfectly impartial.

1857. You therefore do agree with the Chartered Institute of Patent Agents that it is desirable (apart from the question whether they should be the body, as they are at present constituted) the examination should be conducted by a body representative of the profession?—I do; and I believe more than that; I believe that the general objects of the Institute of Patent Agents are precisely the objects of the Society of Patent Agents. It is in the mode of bringing them about where we differ.

1858. Then you sympathise with the principle on which the Chartered Institute was founded, and with their objects?—Mainly.

1859. But you think that that Institute is not so representative of the whole profession as to justify entrusting to them the conduct of these examinations, the keeping of the register, and the discipline of the profession?—Just so.

1860. If the Chartered Institute were made sufficiently representative you would have no objection to join the Chartered Institute, and consent to the Institute exercising powers with reference to the general body of patent agents?—If it were made satisfactory, none whatever; in fact, I believe we have put a clause in our Bill which provides for the contingency.

1861. Do you think that the profession should be an exclusive profession to this extent, that there should be a prohibition against people who are not registered patent agents acting as agents for applicants for patents?—I do not think that is really practicable; I do not think that that could be accomplished.

Chairman—continued.

1862. That is to say, you would prohibit anyone from holding himself out as a patent agent, although you would not prohibit anyone from doing the work of a patent agent?—It would be impossible, it seems to me, to prohibit a man from taking the assistance of a friend, or anything of that kind, or any person who chose to give assistance to him. I think, with all due respect, if I may suggest it, the difficulty that I find in some of the evidence (perhaps a difficulty put forward by Mr. John Imray and Mr. Lloyd Wise) would be really got over if you enabled a patent agent who is on the register to sue for his fees, and if you made it impossible for the unregistered person to obtain payment or sue other people for his fees.

1863. Why; if you permit a man to do a thing, why should he not sue for the remuneration for his work and labour?—Well, I am sure you will be able to know very much better than myself, with regard to what I am going to say; but I believe that is so, is it not, with the solicitors? A man may give assistance, and may imitate a solicitor's work, but he cannot sue for the payment for it.

1864. You do not suggest that the patent agents should in all respects be put on the same platform as to their work and remuneration, and control and duty, and responsibility as solicitors?—Oh, no; I would not go so far as that; but I think the remedy which has been found effective in the case of solicitors in matters of that kind would be equally effective in the case of patent agents.

1865. That is to say, you would allow any man to act as agent for another in communications with the Patent Office, but you would not allow such an agent to sue for remuneration for his services?—Certainly.

Mr. *Heywood Johnstone.*

1866. Following the lines of the Medical Practitioners' Act, which says that no person shall be in a position to sue for remuneration for his services who is not registered under the Act?—I believe that that would be an effective barrier.

Chairman.

1867. That is what you suggest?—Yes.

1868. You think that that would give sufficient protection to the practitioners without excluding the friend or the other person who is quite competent to leave papers at the office, and to do any little work of that kind?—Exactly, because I think it is impossible to prevent that by any legislation.

1869. You propose therefore that the register shall be kept, and recruited and controlled and kept pure; but that it shall only amount to this, that the people on the register are recognised patent agents to do patent agents' work, and are the only persons who will be entitled to sue for remuneration for doing that work?—I believe that that would meet all the real difficulties of the case.

1870. Do you know how many patent agents there are?—Two hundred and forty or 250, or something of that kind.

1871. Are there not a good many people who

Chairman—continued.

are not calling themselves patent agents as a separate profession, but who do patent agents' work, besides the 240?—Well, I am told there are some, but I do not know by personal knowledge.

1872. There are a good many people who do patent agents' work, and call themselves patent experts, and who have offices, and who state on their letter paper and their billheads and their advertisements and their trade placards outside their offices, that their offices are offices through which patents can be obtained?—I am told so. I do not know that personally, and I do not think that they are numerous.

1873. Of course there are solicitors in various parts of England who obtain patents?—Yes. Solicitors, I would like to state, have always had the ancient right to do that kind of thing. You cannot touch them, you know.

1874. You are quite content to except them?—Yes; and I wish to say that there was not the slightest intention in drafting our Bill to attempt to touch any right of solicitors.

1875. Both the Bill brought in by the honourable Member for the City of London and the Bill brought in by the honourable Member for Monmouthshire are on the same principle, and have practically the same object in view; the only difference is that the one Bill, the Institute Bill, proposes to extend the powers of the Institute, and make the Institute the controlling body, and the other Bill proposes an entirely new elective body constituted by the votes of all registered patent agents?—Yes, that is so.

1876. That is the only difference?—That is practically the only difference. There are little minor details, but that is the main difference.

1877. Do not you think it would be possible for the two bodies to meet and endeavour to arrive at a Bill which should represent their joint desires on a little give-and-take principle, and after settling this Bill, to submit it to this Committee for consideration; do not you think that you might also take into account the other patent agents who are taking an active interest in this inquiry, and who would like to have a voice in the matter, so that we may have some Bill before us that may represent the wishes of the general body of patent agents?—I think nothing would be easier, and there has never been the slightest objection on our part; in fact we have made great efforts to bring it about. We do not say *non possumus*. It is not we who say that.

1878. You will be quite willing when the registrar of patent agents calls the meeting, and that, I understand, is contemplated, to co-operate cordially with the view to endeavouring to arrive at some understanding regarding a Bill?—Quite so; the moment we are convinced that we have a truly representative body, we care not what it is called nor how it is constituted.

1879. Now we have been discussing the question very largely from the patent agents' point of view. In the interests of the public, what is the necessity for creating almost a separate profession of patent agents?—Well, with all due respect, I

Chairman—continued.

certainly think there is a similar kind of reason for it that exists in the constitution of solicitors. There is quite an analogous kind of work in this way. We have to receive confidences and confidences the divulging of which would sometimes be very important, and therefore it is of the utmost necessity that men engaged in patent agency work should be men of probity and honourable conduct, and should be men whom the public can trust. It may be of course an imperfect way of bringing that about, but at present there seems to be no better way than putting such men upon a public roll, which may be instituted so that the public will know who are *bonâ fide* practitioners and who are not. If a better way could be devised, I should be quite willing to accept it, but I do not see it at all.

1880. And are these men in the interest of the public to devote themselves exclusively to patent work, or may they attend to patent work and call themselves patent agents, and carry on other businesses?—I think, unless you are going to so legislate as to throw the whole business of the country into a few London hands, you must permit a country practitioner to engage in some other occupation. There are plenty of small practitioners in some of the small towns up in the north where a man is doing excellent service; he is a thoroughly reliable man in his neighbourhood, and yet he does not get sufficient patent agency work in the course of a year to enable him to live, so that he must do something else. It is also very common for patent agents to combine that with other things. In my early days I largely combined the profession of a consulting engineer with a patent agent's business, and it is a natural combination, and, what is further, you very often are wanted as much to advise on the construction of machines or upon mechanism as to take out the patent. Especially is that so in large manufacturing centres. I am sure the honourable Member for Manchester will be able to verify that statement.

1881. But what is there, apart from general knowledge of the laws with reference to patents, and an aptitude to fill in forms and specifications, and to describe things, in the work of a patent agent, that requires special knowledge applicable to the particular trade or particular business, or the particular branch of science, to which a patent applies?—I think I apprehend your meaning there. I think that a mere knowledge of how to fill the forms up, a mere knowledge of the proper verbal construction of a specification, is very often not sufficient to enable a man to draft a specification which described an intricate mechanical operation.

1882. When a man has to draft a specification describing an intricate mechanical operation, does not he, as a rule, obtain information from a mechanical expert, if the person who employs him is not competent to describe his own invention fully and completely?—There are cases where that is done, I should say, but they are very seldom.

1883. You do not suggest of course that a patent agent should have such a wide range of knowledge that he is able to deal with and advise on almost any patent case that comes before him?

Chairman—continued.

him?—Well, no, I do not go so far as that, because it is impracticable, but I do go so far as to say this, that it is necessary for a patent agent to be a well-informed technical man. If he has the ground work of a general knowledge of most of the mechanical arts, and so forth, he has sufficient knowledge to enable him, with the assistance that the inventor can give him, to properly describe an invention, and if he has no knowledge it is a very different thing. It is not necessary that he should have all knowledge on the subject or be even highly informed.

1884. But I suppose there are a very large number of patents in which the patentee himself with the instructions which he can obtain from the Patent Office as to the way in which the forms are to be filled up, and the information given, would be able to do what was necessary without the assistance of any agent at all?—Well, they do it.

1885. And therefore there must be a large number of patents which are not attended with any serious difficulty, requiring a very highly skilled and accomplished agent to attend to?—Well, in answer to that I would say that I think if you were to peruse a few of these specifications, where they are printed, you would think very differently; you would think that some assistance had been needed.

1886. There must be a great many very simple inventions; a very large number?—Yes; but many even of these very simple inventions are rendered utterly valueless by the specification which is filed.

1887. You do not suggest that the qualifications of a patent agent should be so extensive and of such a high class as would enable him to deal with all the subjects which might come under his notice in advising people with reference to applications for patents?—No, I do not think that is necessary, because if he had a case that was really beyond his power of elucidation he has always the opportunity of consulting a special expert on that subject.

1888. Still, you think that there is such a large quantity of important work that it would be desirable, in the interest of the public, to constitute a sort of profession of patent agents?—I do. The majority, and probably the best, patent agents at present on the register (I am speaking of the better class of them) have been trained engineers, and if a man is a trained engineer he finds it very easy to pick up the threads of even things that are not precisely engineering. He quickly picks up such things as electrical matters and chemical matters, and so forth. He finds no difficulty with them, because in a trained engineer you have a man who has had a smattering, so to speak, of all the sciences.

1889. Do you know whether the public have suffered very considerably from either want of honesty or want of competence on the part of patent agents?—I think that that kind of thing may probably have been unconsciously exaggerated. There have been, no doubt, some bad cases of that character, but I do most distinctly think they are rare. I believe that, in the main, patent agents are fairly honourable men; as honourable men as you would find in any other walk of life.

1890. You do not altogether agree with some of the evidence that has been given which suggests that outside the Institute there are a considerable number of patent agents who do not carry on their business quite so satisfactorily or respectably as is desirable?—I do not agree that there is a considerable number.

Mr. *Heywood Johnstone.*

1891. Will you say an appreciable number?—Well, of course almost anything is appreciable. In a number of 250 men even one would be an appreciable quantity.

Chairman.

1892. Therefore, it is in the interest of the public that you suggest that we should practically constitute a new business or profession, with certain exclusive rights?—I think it would be to the advantage of the public.

1893. You have read of course the Patent Agents Bill carefully?—Yes; I have read both Bills.

1894. With reference to these Bills do you think such extensive powers are required; both Bills are rather drastic in several particulars?—Perhaps you would refer me to the particular point in which they are drastic.

1895. I will take, for instance, the Bill of the Chartered Institute of Patent Agents. There is a provision there which says, "If any person other than a registered patent agent takes or uses, whether by advertisement, by description on his place of business or elsewhere, or in or on any paper or document or otherwise, and whether in his own or any other name, the title of patent agent or agent for obtaining patents for patent registration agent, or patent attorney or patent expert, or inventor's agent, or any name, title, addition or description, stating or implying that he is a patent agent, or that he is a person qualified to act as a patent agent, or uses on his place of business or elsewhere the words patent office, office for patents, patent agency, or any other words implying in any way that he acts or practises in any part of the United Kingdom as an agent for obtaining patents, he shall be liable for each offence to a fine not exceeding 20*l.*" And there are other similar provisions. There are provisions for prosecution and provisions for punishment by fining, and imprisonment, I think, in some cases. Do you think that all that is at all necessary?—I have answered in relation to that, that I think if you were to impose the disability upon persons who are unauthorised to practise of obtaining their fees, that would be a most effectual way.

1896. But in the interest of the public these very drastic provisions in your judgment are not necessary?—My greatest objection to that clause that you have read is that it is utterly impracticable. I do not see well how it is to be carried out in that form.

1897. If persons acting as agents in connection with patent work, who are not registered practitioners, were deprived of their right to sue for remuneration, that, in the interests of the public,

Chairman—continued.

public, you think would be quite sufficient for the purpose?—I think that that would be an effectual bar. Of course, that is a personal opinion.

1898. Therefore, looking at it from a public point of view, you do not altogether agree in the necessity or desirability of such strong provisions as some of the provisions in the Bills?—I certainly disagree with many of the features of this Bill of the Institute, otherwise I should not be in the position I am in now. I disagree with the first part of Clause 4 very much, because it seems as if it aimed at some other body; and also with the second part of Clause 4. As I said at the commencement, it is the attempt to set up an inner ring within the ring fence that I object to.

1899. That is, of course, from a professional point of view?—Exactly.

1900. I am speaking from the public point of view?—From the public point of view, I think that a simpler clause could probably be framed than that which would meet the case, and taking everything into consideration, after reading all the evidence, and with an honest desire to arrive at some practical solution, I suggest that if we were placed in the same position as the medical faculty, namely, that persons practising or doing occasional work of a patent agency nature should not be able to obtain payment for it; that would soon stop them, because people do not care to work for nothing as a rule. I think that is the common-sense view of it.

Mr. *Mather.*

1901. I understand that you have read the evidence placed before this Committee given by the promoters of the Chartered Patent Agents Bill?—Yes, I have read the evidence.

1902. And so far as relates to the status of the patent agents and their qualifications you entirely agree with the evidence we have received?—In the main, yes, so far as the status is concerned.

1903. You have laid great stress in answer to the honourable Chairman upon the fact that a competent agent must be a man of liberal education?—Yes.

1904. That he must have a somewhat intimate acquaintance with manufacturing processes?—Yes.

1905. That one or two of the leading sciences must be the object of his study, and that before he is a trustworthy patent agent from the public point of view, he must be capable of giving information upon almost any question that comes before him in the form of an application for a patient?—Well, it is very desirable he should.

1906. The impression made on my mind by your evidence has rather enlarged the scope of the claims made for patent agents by the promoters of the Chartered Patent Agents Bill. You have, I think, not only corroborated all they have said (you have read the evidence on this point) but you have tried to impress the Committee with the view that a patent agent holds an exceptional position almost amongst the professions. You have reminded us that he must not only possess advantages from knowledge, but before he can be relied on by the inventing public he must be also capable of keeping

Mr. *Mather*—continued.

a secret; that he must be a depositary of men's opinions which if promulgated or mentioned to others might probably endanger a particular property in ideas which an inventor may have?—Yes.

1907. Theretore you do not differ from the evidence that has been given already by the promoters of the bill of the Institute on this particular point that the profession itself must be one in which the public generally can have complete trust and confidence?—I think so.

1908. Then, from that point of view, how do you reconcile the claim made by some patent agents, I believe that there should be other persons practising than those who have passed through such examinations as would justify their having the qualifications which you demand as necessary to constitute a reliable and trustworthy patent agent?—I think I can explain that by saying that the Act of 1888, and the first starting of a register had *de facto* admitted certain persons utterly irrespective of their qualifications. That was an accomplished fact. We cannot undo that.

1909. Then I would refer now to the future, and ask whether you agree with what is the opinion of all the witnesses we have heard in favour of the Institute Bill, that the roll of patent agents should be one that can be trusted by the public as containing the names of men everyone of whom may be regarded with the confidence with which you regard your private solicitor?—That is the end to be attained.

1910. You have laid great stress also on the fact that in the drawing of a specification, whether it be for a pin, or whether it be for a new process of locomotion, the whole range of the mechanical arts are included in the subject-matter of patents possibly. You draw no distinction between what is called the simplicity of an invention and the complexity of an invention so far as the drawing of the specification is concerned?—No; for this reason. I feel sure I should be corroborated by the most eminent men, by such men as Mr. Imray, or others; when I say that it very often happens that a specification for what is termed a very simple invention is more difficult to draw and to properly settle than what is called a complex one.

1911. Therefore that being the case, and I think all the evidence we have had goes in that direction, you think that for both great things and small it is necessary that an inventor should go to a thoroughly trustworthy, well-qualified and well-educated person beforc he commits his ideas to his confidence, and makes him the agent to put the thing before the Patent Office?—I think that is necessary; but I would not deprive the inventor of the right to act for himself if he thinks proper.

1912. But in the interests of an inventor, and in the interests of the public you maintain, as I understand, that his best policy would be to engage the services of such a man as you have described?—Without doubt.

1913. Therefore, in the public interest it is far better that the only means of obtaining patents should be through these well-qualified persons, rather than that the public should be diverted from

Mr. *Mather*—continued.

from the safe and the most expeditious channel to some other channels through which they would convey their ideas to the Patent Office?—Most decidedly.

1914. Of course if this Bill passes, and Parliament thereby provides such safe channels for their ideas to flow through, and from which they might derive a property, they themselves would be benefited, and therefore in the public interest you think it is better that they should be confined to such competent authorities to deal with these questions?—Yes.

1915. So far, therefore, you and the promoters of the Institute Bill are entirely agreed?—In our objects, I believe, we are entirely agreed. It is the mode of carrying them out upon which we differ.

1916. So far I think you have very much fortified the position taken up by the Chartered Institute. Then I understand your difficulty, after having gone so far on the road with your colleague, is that you think the Institute itself by the Bill is arrogating, or trying to arrogate to itself, powers which may militate against the profession?—I believe so, and especially against the poorer men in the profession.

1917. You do not suggest that even by the powers asked by the Institute, supposing they got the exclusive privileges, as you may call them, that they ask for, the public would be injured necessarily?—I think the injury would be chiefly to the poorer patent agents. I quite agree with that.

1918. Please to confine yourself to that point. Do you think the injury would be done to the profession and not to the public?—Just so.

1919. Therefore, you may give credit to the promoters of the Bill for having drawn a Bill which is in the interest of the public, but you think it bears hardly on some members of the profession?—I think that probably indirectly it would do injury to the public, because if it had the effect, for instance, of compelling some of the poor but competent agents in the country to close their establishments, persons in the neighbourhood would have some difficulty in obtaining assistance, or they would have to go to farther expense in travelling, and so forth, to obtain the assistance of a competent man. To that extent it would indirectly re-act on the public.

1920. You think it might be the means of causing the public to incur extra expenditure in the obtaining of a patent than otherwise it is?—Yes, I think so.

1921. Then dealing with the question of outside agents, who are not and could not be under this Bill registered patent agents, do you see any objection to the Patent Office being approached and dealt with; and the specifications submitted to them from such agents who are not registered?—I do not think, as I said before, you could prevent it.

1922. What do you think, apart from prevention, which is quite another matter?—I think it is objectionable, most decidedly.

1923. If you were framing laws, you might have to take that into consideration; but I only want your opinion from the public point of view in the first instance, and from the patent agents' point of view in the second instance. Is it extremely undesirable that there should be a sort of "free-lances" in your profession who can advertise themselves to the public as being capable of dealing with patent matters?—I think that is an evil.

1924. That is, of course, in accordance with the evidence which you have given, that you think that the public could only be protected by dealing with qualified and registered persons?—Certainly.

1925. Why do you think that the suggestion which you have made of some statutory power being taken to prevent such agents from claiming their fees in a Court of Law would be a sufficient preventive?—I think it would be sufficient at any rate. I think it is all that we can really hope for to be of effectual value.

1926. But assuming that Parliament would pass a Bill of the same character, as regards some of its clauses referring to these particular points, as that promoted by the Institute, you, as a professional man and a patent agent, would see no objection to a Bill stipulating that no person should practise as a patent agent, and deal with the Patent Office as a patent agent who is not duly qualified?—I should have no objection, provided it did not touch the natural rights of an inventor, say, to employ the good offices of a more educated friend or something of that kind. I should think it wrong to take away that right.

1927. You have admitted that it would be a great danger to an inventor, even of the most trifling invention, for instance, such a small matter as the making of a new pin, or any trifling domestic article?—Fully so.

1928. You think it would be a danger to the public to allow it to be supposed that incompetent men exist on the roll of patent agents, capable of dealing with his invention?—I think that would be a danger.

1929. Now I take it, therefore, that we may, so far as your evidence is concerned, devote ourselves entirely to eliciting from you the mode by which you think it would be best to promote a Bill which would be satisfactory to the registered patent agents as they now exist?—Just so.

1930. Was your society in existence when the Act of 1888 was passed?—Oh, no.

1931. The Institute of Chartered Patent Agents was in existence?—Yes.

1932. You are aware that under the Act of 1888 the Board of Trade had power to do certain things, that is to say, for the purpose of carrying out the Report of the Committee of 1887 the Board of Trade had certain large powers given to it, which it could exercise in the way it thought best, according to its discretion, in fact; and it was almost enjoined to draw up rules and regulations for carrying out the object in view. They drew up such powers?—They did do so as a matter of fact.

1933. Had your Society of Patent Agents been in existence at that time, would you have thought it unreasonable or unjust to any members outside your society if the Board of Trade had come to you and said, "You represent, in the main, the patent agents of the country; we

Mr. *Mather*—continued.

should like you to accept powers from us to keep the register; we should like you to institute an examination for patent agents, and, according to your results, we are willing to enrol them upon the register." Would you have thought that a reasonable proceeding on the part of the Board of Trade?—As a matter of fact, the Board of Trade did enrol all who showed that they had *bonâ fide* practised.

1934. But in order to arrive at the position of the *bonâ fide* patent agent the Board of Trade had to institute some sort of test?—Yes.

1935. That test was, of course, a very liberal one at the time?—Yes, I believe so now. I did not know then.

1936. Are you aware that the Board of Trade, not having any other body to appeal to representing the profession of patent agents, looked to the Institute?—No doubt they did.

1937. And that they asked the Institute, without any solicitation on the part of the Institute itself, to undertake certain duties on the part of the profession?—That is very probable. I do not know of my own knowledge.

1938. That has been stated in the evidence; if you have read it you will find it carefully stated there?—Yes.

1939. It has been said that the Institute of Patent Agents did not in any way approach the Board of Trade, or seek from the Board of Trade the powers which eventually the Board of Trade gave to them; but, on the contrary, the Board of Trade came to the Institute and asked the Institute to undertake these duties?—I think I gathered from the evidence of Mr. Hopwood that the Board of Trade was under the impression that the Institute was a representative body of the whole profession.

1940. But the Board of Trade would have no other idea at the time, in the absence of your society, because the Institute really formed the only outward expression of the patent agents' profession?—That is quite true, and it is out of that the whole evil has sprung.

1941. Therefore you find no fault, I presume, with the Board of Trade, nor yet with the Institute, for having entered into this arrangement?—I find no fault whatever. I only find fault with the present condition of things.

1942. Consequently upon that arrangement being made and certain duties, and it would appear from the evidence, certain onerous duties, having been undertaken and performed by the Institute, is it unreasonable on the part of that Institute, and on the part of the Board of Trade, in your opinion, to submit a Bill and submit considerations to this House for the purpose of making the registration more effective in the future than it has been in the past, and obtaining powers by which the registration of patent agents may be conducted in a manner that should be indisputable in a court of law, and satisfactory to the profession?—I do not think it was unreasonable for them to formulate the Bill, but I think it would have been more reasonable if they had listened to the objections that are put forward to the position.

1943. Now, as regards those objections is the Committee to understand that you have, as representing the Society of Patent Agents, made approaches to the members of the Institute, or the council of the Institute, asking that you might participate with them in framing a Bill which would meet the requirements of the profession?—The council through the secretary have made approaches, and a correspondence has taken place. Certain interviews have taken place, chiefly, I believe, in a sort of triangular fashion, by our representatives visiting the Board of Trade. The Institute's representatives visited the Board of Trade, and then we received communications from the Board of Trade, and so the thing was working round, but we could never get to any real conference, so as to come to an agreement. We never had the opportunity of coming to a conference.

1944. Is that the fault of the Society of Patent Agents, or the fault of the Institute of Patent Agents?—I think it is distinctly the fault of the Institute.

1945. You seem to intimate that the Institute desires to limit very much the whole control of the profession to the members of the Institute itself?—I do not wish to ascribe any improper motives to any person in the Institute; but what I say is that the policy pursued by the Institute has that effect, and has had that effect.

1946. You think that under the Bill which they are now promoting that unfortunate feeling of mistrust would be rather intensified amongst the members of the profession as a whole?—That is so.

1947. Now, I take it that your chief objection to the proceedings of the Institute is that a charge has been made hitherto, under the rules and regulations which they administer as delegates of the Board of Trade, of a fee of three guineas per annum upon all registered patent agents?—That is a grievance, but it is certainly not the chief grievance; certainly not, so far as I know.

1948. That is one grievance?—That is one grievance.

1949. In addition to that, I take it, you consider that the sole exclusive control of the register being confined to the Institute is an injustice and an unfairness to the profession as a whole?—Yes.

1950. That is the chief grievance?—The chief grievance.

1951. Now, supposing the Institute were to so far modify their Bill and their demands, after conference with you, as the result of this inquiry, as to agree that the future body for the administration of the powers they would enjoy should consist of the council of the Institute, *plus* an elected body from all the outside agents, to form one grand council, would that remove this particular and special grievance which you have as to the exclusive control being in the hands of the Institute?—Well, that might or might not. You can see yourself, I think, that it would depend much upon numbers. If it were so arranged that the Institute always had the control, it would be a mere form without any meaning in it.

1952. But by control you mean that supposing they had a preponderating number of their members

Mr. *Mather*—continued.

members on this committee, they would therefore have sole control ?—Yes.

1953. Do you think the members of the Institute would always act with unanimity ?—I think it is probable.

1954. Therefore I presume your objection would be altogether removed if that grand council, so to speak, were composed of an equal number of members outside the Institute and members inside the Institute ?—It would be removed if they were elected by the whole profession.

1955. The Institute, of course, has its own council ?—Yes.

1956. The Institute has already received from the Board of Trade powers which I understand it has exercised very wisely, and very well in the main, at least to the satisfaction of the Board of Trade. The council of the Institute, as an old chartered institution, will naturally exist whatever comes of these Bills ?—Oh, yes.

1957. Under the circumstances, would you consider it at all an unfair arrangement that the new grand council for the administration of any Act of Parliament which should be based on the lines laid before us, should consist of an equal number of members of the Institute and members outside the Institute, and elected by the general body of the profession ?—Well, at a moment's thought, it is rather difficult to give an opinion upon that. It would want thinking out as to how it would work, but I can go so far as to say this, that if it can be shown to me, and I feel sure that I can speak for the members of my society, that an arrangement of that kind bears upon its face simple, natural justice, we shall accept it.

1958. The Committee may understand that you see no objection to such a provision in one of these Bills as would bring in the whole of the profession in the framing of the rules and regulations dealing with the control of the profession ?—Yes.

1959. And dealing with the question of fees for registration purposes ?—Yes.

1960. Providing that Committee were constituted on a fairly representative basis ?—Yes.

1961. And taking into consideration the status of the Institute on the other hand, and the status of the registered agents who are not members of the Institute on the other hand ?—Yes, but there is one thing which has been put prominently forward in the evidence which, I think, would work unfairly if it were not properly safeguarded. Much stress has been laid upon the fact that the Institute does a greater amount of business than the outside agents. Now, whatever you may do, and whether there is legislation or not, the greater amount of the business of the country will come into the hands of the leading London agents, and therefore it is not any ground, or any reason, for those leading London agents to obtain greater powers, or even legislative assistance. Make every agent, poor or rich, equal before the law, and give them their fair and proper representation. That is all I ask.

1962. You cannot be indifferent, I presume, to the fact that the Institute of Patent Agents has already an important leading position in the profession in the sense that it has already a charter. But so far, as I think you have admitted as well as others who have been before us, the Institute itself has done nothing in any way to impair the status of the patent agents before the public, but on the contrary has rather attempted to maintain and improve and develop the status of patent agents ?—I am aware of that; outside their own body.

1963. So that all the rules and regulations of the Institute have had for their object the exalting of the position of patent agents. Has the Institute, for instance, not taken great pains to provide for the profession, and for the qualification of the profession, those various attainments which you yourself have described as being necessary to make a thorough trustworthy patent agent. In their examinations, for instance, for the purpose of registration, have they not laid down very careful rules and regulations by which a candidate should be admitted to the profession ?—I think that, in some cases they have laid down rules which have defeated that object.

1964. On what grounds ?—I will give an illustration. I can give a case. They have made the rule of seven years' continuous service in the case of an assistant. I know a case where there has been 13 years' service, but that service was broken by a thing which you know is very important to a man in this position by the student going away for a few months into a large engineering works similar to your own in which he was to obtain special information for the purpose of making him more proficient in his profession. That was done before the rule was made as to the seven years' continuous service, and although that young man has served 13 years he is refused examination by the Institute.

1965. But under the present rules and regulations of the Board of Trade, has the Institute or the council of the Institute any right to refuse a candidate on the ground that he had not served seven consecutive years in the office of a patent agent ?—Whether they have the right or not, they have done so.

1966. Have they declined to accept a candidate for examination on the ground that his continuous service in a patent agent's office was broken ?—Yes.

1967. And broken also for the purpose of his entering into an engineering workshop to obtain more knowledge ?—Yes.

1968. There is such a case on record ?—Yes.

Chairman.

1969. Perhaps you will favour us with that case ?—Well, I would prefer not to do so publicly for a special reason that you will appreciate, but I will with pleasure do so privately.

Mr. *Mather.*

1970. Then we will reserve that point. I think that one of the witnesses we have had from the Institute should give us an account of that; apart from that, which is an exceptional case, have not the Institute endeavoured to obtain the same class of education for a patent agent as you have yourself undergone ?—I have not undergone any examination for a paten agent.

1971. Because you were well established, and your reputation was obtained long before ?—I should be quite happy to do so now.

1972. You

Mr. *Mather*—continued.

1972. You spoke just now of the country practitioner being at a disadvantage as compared with the London practitioner?—Yes.

1973. In the nature of things, I presume you will admit that the London practitioners have the advantage over the country practitioners from the very fact that they are at the source of all information on this question?—Yes; you cannot prevent it being so.

1974. There is nothing in the Bill of the Institute which would prevent a country practitioner from acting also as a consulting engineer, or following any other occupation, providing he, under examination, fulfilled all the conditions required of a patent agent?—Well, of course, that may be a matter of some variation of opinion. It is thought by some that the Bill, coupled with the bye-laws which might be obtained, and any rules that were likely to proceed from the Bill, would have that tendency.

1975. Well, that might be easily provided against, but on the face of the Bill and in the preamble of the Bill there is no reason why you, as an engineer, supposing you were quite a young beginner and were an accomplished mechanical engineer or civil engineer, should not continue to practise as a consulting engineer, or mechanical engineer, and at the same time act as a patent agent?—Just so; on the face of it I think not, but I name it particularly so that the hon. Committee will have it before them, and be able to prevent the possibility of such a thing.

1976. It has not been suggested before, so that I thought I ought to ask your opinion upon it?—Yes.

1977. Do I take it that it is the opinion of the promoters that anyone who practises as a patent agent may follow the occupation of an engineer or solicitor, provided, of course, he is competent as a patent agent?—Exactly.

1978. So far as I gather now from your evidence you think the whole crux of the situation as between you, the Society of Patent Agents and the Institute lies in this, that if you could ensure by one of these Bills that the whole body of patent agents should have representation on that council which shall determine in the future the qualifications of the patent agents and the general administration of any Act that might be passed, you would think that satisfactory to the whole profession?—If that can be accomplished.

1979. That would meet all the case and remove the grievances you had in your mind?—I think so.

Sir *John Leng.*

1980. While you agree with the Institute on the two main points that there should be a register of patent agents, and after that register has been reconstituted that there should be an examination of all candidates to go on the register, I understand you prefer that the register should be under the control of the whole body of patent agents?—That is so.

1981. And also that the examination should be under the regulations of a council representing the whole body of patent agents?—That with me is a *sine quâ non.*

1982. Then you admit that it is not practicable to prevent altogether men taking assistance in applications for their patents from those who are not on the register?—I think it is not practicable, and I also think that it is not advisable to put it in that bald form, because there may be *bonâ fide* cases where an inventor may consult a friend without consideration of professional services at all.

Sir *John Leng*—continued.

1983. May I remind you that in clause 14 of your own Bill you propose to impose a penalty. The rubric is for "illegally acting as a patent agent." "Any person resident in the United Kingdom whose name is not on the roll and register who acts, or describes himself as acting," and so on; is not that going rather too far, do you think?—Well, if it is, it was not intended. I may say most distinctly it was not intended to cover a case such as is named, and if the words would bear that interpretation, of course we should submit with the greatest pleasure to the superior wisdom of the Committee.

1984. I think your Bill even goes beyond the Bill of the Chartered Institute in proposing, not only that there should be a fine, but that after a first offence there may be imprisonment of six months?—Yes, it may go beyond it in so far as the imposition of imprisonment is concerned, but I do not know that we should make that a difficulty in any way if it was in the wisdom of the Committee to reduce that.

1985. I understand that you do not object to the Chartered Institute being maintained as a Chartered Institute?—Oh, no.

1986. You would be quite agreeable, if the other conditions were arranged, that there should be what we may call a register or an examination under the control of the general body; you have no objection to either one or more bodies of patent agents forming themselves into societies?—None whatever; not to 20, if there were room for them.

1987. Can you explain generally why so few of the body of patent agents have become members of the Chartered Institute?—Well, chiefly for the reasons which I think I gave to the honourable Chairman; first of all, a great number no doubt were influenced, in the country especially, by the fact that they were to be charged, that is in the first instance, I mean at the inception of the Institute, a large annual fee and a large entrance fee, and they did not see what they were going to get in return; and furthermore, I know that a number looked upon it as a sort of—well, the word "club" has been brought in in this evidence. I do not say that they looked upon it precisely as a club, and nothing more, but they thought it was something of that nature that would be more beneficial to the London agents than it would be to anybody else, and I think that was the reason in the first instance why they did not join it.

1988. You have stated that your society would be willing, indeed I infer that they have been anxious to come to terms with the Institute?—Yes, and I may say that we could not go any farther than we have done without a loss of dignity.

1989. You imply that they have kept you at arm's length, and were unwilling to come to close quarters with you?—Perfectly so.

1990. You did not say so?—I implied that most distinctly.

1991. That

Sir *John Leng*—continued.

1991. That led us rather to infer that they looked down upon you?—That is unfortunately, I am afraid, the case.

1992. With reference to the admission to the Institute; did you wish the Committee to understand that the general tendency of the Institute had been to make it difficult for candidates to get on the Institute?—Well, I think that has been so in the past. I know that now, and even in the proposed Bill, there seems to be a widening of the facility, but then that I think most distinctly has been brought about by the movement that has taken place.

1993. But up to this point there has been a somewhat rigorous interpretation of rules as to the admission of candidates, so as not to make it easy for their admission?—Just so. I should not complain of that, because any society has a right to make their rules as rigid as they think proper, but it is when they impose their powers under any rules they may receive from the Board of Trade upon the remainder of the profession that I object to it.

1994. You think that, as between the patent agents and the public, it would be quite a sufficient assurance and guarantee of ability and character for persons to be enrolled patent agents; that for the general body of patent agents it would not be necessary for them to be members of the Chartered Institute, or any other society?—No, it would not be necessary. What we ask is that no disability should be put upon them for remaining outside.

Mr. *Nussey.*

1995. I understand that you do not agree in the statement that some witnesses have made as to the deplorable condition of your profession?—Well, I think, as I have said in my evidence previously, it has been, perhaps, unconsciously exaggerated. I know that when an evil of that sort occurs it is very irritating and very unpleasant, and dwelt upon, and there is a tendency probably to exaggerate it in the mind; but I do not think that the so-called "black sheep," or "tag-rag and bobtail," or "advertising scoundrels" are numerous at all. I think they are very very few. They are very unpleasant to meet, no doubt, like any other unpleasant thing; but I am happy to think that humanity, even amongst patent agents, is not quite so bad.

1996. Do you think that there is a great need for any extraordinary legislation with regard to patent agents?—I do not think there is any need for anything extraordinary, but I do think there is a need on behalf of the public of proper registration, and that the public should know who to go to, so that when they see a registered patent agent they should have a *primâ facie* knowledge, at any rate, that they are going to a respectable man.

1997. In fact, you think the legislation ought to take the form rather of making patent agents into some sort of close corporation?—Yes, as we have proposed in the Bill.

1998. You think that the interests of the public would be benefited by allowing any specialists in various technical or scientific subjects to act as patent agents, having registered themselves, but not having passed any particular examination with regard to the register?—If they are registered as patent agents under any Bill, I presume they would be permitted to practice.

Mr. *Nussey*—continued.

1999. But for the future, I mean?—In future I think they ought to have an examination. It would have been better if we could have had an examination in the past.

2000. You think the Board of Examiners ought to be under the control, as I understand, of some body elected by all the patent agents?—Yes, or, failing that, under the control of some Government official, or body of any kind that in the wisdom of the Committee they may choose, so far as I am concerned, as long as they insure that it is a perfectly impartial tribunal.

2001. But I think you make it rather a *sine quâ non* that the board should be elected as the representative body of all the patent agents?—Yes, if it is a board, decidedly.

2002. Would not that board rather have a tendency to make the examinations harder each year, to the exclusion of would-be patent agents, because there would be so much more business to go to the practitioners?—Well, if there is any fear of that sort, I think something could easily be devised to check that. They might submit their examination papers to the Board of Trade, or anything that the Committee thought best. I think any evil of that kind could be readily checked.

2003. You think so?—I think so. I am sure the wisdom of this Committee would soon find a means of preventing that.

Mr. *Bousfield.*

2004. In answering my honourable friend you gave an illustration of some one who was refused examination because he had not been seven consecutive years with a patent agent?—Yes.

2005. That is a Board of Trade rule, is not it?—I cannot say. I do not know the origin of these rules, whether the Board of Trade initiated them *de novo*, or whether they were first submitted by the Institute. I cannot answer the question. I have no knowledge.

2006. You know that it is a Board of Trade rule?—Yes, it is a Board of Trade rule.

2007. And I think that rule only applies to candidates who want to be excused the preliminary examination?—That is so.

2008. If anybody passes the preliminary examination and then comes up for the final examination, the rule as to seven years' consecutive service does not apply at all, does it?—Exactly; because the assistantship or pupilship is in lieu of any special examination. The object of my naming it was not to make any complaint, because it is a rule, but to show that it requires in the framing of rules the experience of the whole profession. That was my object in naming it, and not to make any complaint whatever, because it is under the rules.

Mr. *W. F. D. Smith.*

2009. Was there any difficulty among the main body of patent agents with the Institute before the case of Lockwood came on?—No; there was no outward difficulty, but there was a good deal of what, for want of a better term, I may call inward simmering and discontent. There is no doubt

Mr. *W. F. D. Smith*—continued.

doubt whatever that Lockwood's case drew that discontent to a head ; but it was there previously, and very largely there.

2010. Was it because the main body of patent agents thought the fees too high for registration ?—Partly, and partly another thing ; there was a very great deal of perhaps unreasoning fear of the power of the Institute amongst the smaller men.

2011. Would, in your opinion, the Fellows of the Institute as at present constituted have an advantage over the other patent agents in their business ?—In practice it came out that way, in recent years especially.

2012. Why should that be so?—Well, it is difficult to say why. I know many articles have been written and many advertisements in the form of books of instructions have been sent out in which great stress is laid upon the fact that the person sending it out is a member of the Chartered Institute, and it is insinuated, if not actually stated, that others are scarcely competent to advise.

Mr. *Bousfield.*

2013. May I put a question upon this ; I think under the charter members of the Institute have the privilege of using after their names the letters C.P.A. ?—F.C.P.A. in the case of a fellow.

2014. C.P.A. I think, which represents Chartered Patent Agent ?—Yes.

2015. And that all except fellows of the Institute are barred under penalties by the charter from using that title ?—I believe so.

Mr. *W. F. D. Smith.*

2016. Are the letters F.C.P.A. put after the names in the register ?—Yes, a special distinction is given them in the register. That has been a very great grievance among patent agents.

2017. Those letters would carry weight with the public ?—They appear to do so.

Chairman.

2018. It is not put in in letters, but they are simply stated to be fellows of the Chartered Institute of Patent Agents ?—Yes, in full.

2019. In the column under designation, wherever those gentlemen who are on the register appear to be members of the Chartered Institute of Patent Agents, they are designated so ?—Yes.

Mr. *W. Heywood Johnstone.*] It is under Clause 29 of the Charter, which says "Fellows of the Institute may use the designation chartered patent agents, and after their names the initials C.P.A."

Chairman.

2020. C.P.A. does not appear on the register, but their designation is stated. There are other designations given. One gentleman is M.A., Cambridge, and another M.A., LL.D. Then another is "Member of the Institute of Mechanical Engineers," and another "Associate Member of the Institute of Civil Engineers." Then another is "A Fellow of the Institute of Electrical Engineers," and so forth. It seems that the registered patent agents are allowed to add in this column any special designation of that

Chairman—continued.

kind?—No ; only a limited number of societies. For instance, I am not sure whether they would admit a Fellow of the Royal Society itself to be designated. They certainly would not admit a Fellow of the other royal societies.

Sir *John Leng.*

2021. There is nothing to prevent your adding R.P.A. to your name, is there ; registered patent agent ? I do not know. I have never troubled myself with adding anything of that kind. I would like to state in respect of that, that when I filled up the form there was a space for "designation" in the form to be filled up for registration. I filled up a form by saying that I was a Fellow of the Royal Microscopical Society, but that was said to be not an acceptable designation.

Chairman.

2022. I see you have no designation here at all on the register. It is simply "William Gadd, 64, Barton Arcade, Manchester ?"—No, none whatever. I do not care about that. I never want to have it. It is nothing to me.

Mr. *Heywood Johnstone.*

2023. Can you give us any rule by which these designations are accepted or refused ?—I cannot. I could never find out what was the reason.

2024. Does it depend upon the registrar ?—I cannot say. I suppose the registrar would have his instructions. I do not suppose the registrar acted on his own initiative in anything.

2025. You have never tried to probe the question any deeper ?—Well, no ; I did not pursue the subject, because it was of no real moment to me.

2026. I understand you to say that Fellows of the Institute have an advantage in the profession ?—I think it is so. It has come out like that.

2027. From the mere fact of their being entitled to describe themselves as Fellows ?—Yes.

2028. No registration, I presume, could deprive them of that advantage ?—Certainly not.

2029. As long as the Institute exists they are entitled, under the charter, so to describe themselves ?—Exactly. All we ask is that those outside shall not be disparaged.

2030. What I understand you really ask at the hands of the Committee is that the governing body of the profession should be representative of the profession as a whole ?—That is it.

2031. And that the profession, as a whole, should include every registered patent agent ?—That must be so.

2032. Or only registered patent agents ?—Just so.

2033. Not outsiders ?—No, we do not ask that.

2034. I am not sure whether I quite followed your evidence with regard to this, which I may describe as illegally acting, persons practising who are not on the register. Do I understand you to say that in your opinion all difficulty would be overcome by a clause in the Bill which says that no person who is a registered patent agent shall be able to sue for and recover fees ?—I think that that would meet the case as far as we may hope to get it met.

2035. I understand you that the stringent and drastic clauses which the Chairman has called

your

Mr. *Heywood Johnstone*—continued.

your attention to with regard to fines and imprisonment you object to on the ground that they would be impracticable in working?—I think that was in answer to another question.

2036. I am trying to clear it up in my mind because I did not quite follow you?—I said that with regard to the imprisonment I admitted that in that matter we had probably gone beyond the actual punishment put in the Institute's Bill, but it was not a matter that we should trouble about at all. We should submit ourselves there most distinctly to the wisdom of the Committee.

2037. Would you think it desirable that there should be penalties imposed upon those who represent themselves to be registered patent agents?—I think so just as much as if a man represents himself to be a medical practitioner who is not qualified.

2038. That is what I intended to draw your attention to. I do not know whether you are aware that in the three Acts I have before me, the Medical Practitioners Act, the Dentists Act, and the Veterinary Surgeons Act, each of those contains a clause rendering any person who is not registered, but who takes or uses the particular name, title, addition, or description, to a fine not exceeding 20*l.*?—I am not aware of it of my own knowledge, but I have been told that.

Mr. *Heywood Johnstone*—continued.

2039. You are quite willing to see a provision of that nature incorporated in any Bill which the Committee may see fit to recommend to the House?—Yes; I would like to point out that in our Bill we give a definition of what we mean by a patent agent. We say that patent agent means any person in the United Kingdom who undertakes for pecuniary or other commercial considerations to apply for or to draft the documents required in applying for a patent in the United Kingdom, the British colonies or dependencies, or in any foreign country. You see it is put in that they must do it for pecuniary considerations. Now, I think, with that definition it would be easy to make a difference between the mere friend acting for his friend, and the man who is acting for pecuniary considerations.

2040. But at all events, I understand that for the protection of the public you think it desirable that there should be a penalty imposed upon all those who illegally represent themselves to be patent agents?—I do.

Mr. HERBERT JOHN HADDAN, called in; and Examined.

Chairman.

2041. YOU are of 18, Buckingham-street, Strand?—Yes.

2042. Are you a registered patent agent?—Yes.

2043. I believe you have had considerable experience?—About 42 years.

2044. You have been in business on your own account for 27 of those 42 years?—Yes, 27 years.

2045. I believe you have taken a considerable interest in the questions that have been discussed among patent agents as to their status and as to the desirability of some legislation with reference to them as a body of professional men?—Yes, particularly with regard to the outside agents, if I may use the expression, that is to say, agents who are not members of the Society nor the Institute. I sought to obtain their views.

2046. Have you any evidence to give us with regard to the statements that have been made here as to the establishment of the Chartered Institute, the formation of the Society of Patent Agents, or of any committees of patent agents who have associated themselves together with reference to the position of patent agents?—All I can say is I heard of the formation of all these societies or committees; that in the case of the Institute it was formed, as we heard of in evidence, of 48 members out of a profession numbering about 152 members. So that it was then, as it is now, and always has been, never more than, if as much as a third of the whole profession.

2047. Did you have a communication from the gentlemen who formed the Institute, asking you to join?—Not that I am aware of. I think not, but that may be explained by the fact that I think I was abroad. I am not sure whether any ever came to our office.

Chairman—continued.

2048. Did you have any communication from the gentlemen who formed the Society of Patent Agents as distinguished from the Institute of Patent Agents?—Yes, I believe I was asked informally to join them.

2049. And did you?—No; I preferred not to belong to any society as at present constituted.

2050. What was your view with reference to the formation of these societies?—Well, I thought they did not either of them represent the profession, and I could not see the *raison d'être* for them. I did not know what they were going to teach, speaking generally, to a man who knew his profession, or how they were going to control the profession, if they were not elected to do so by the whole profession.

2051. Then you did not consider that there was any necessity for any organization, for any professional purposes, from a patent agent's point of view?—Not by the small amount of people who attempted to seize or obtain that organization; it was not thoroughly and properly representative of the whole profession. Had it been I should have been only too pleased, and I would have asked them to have elected me.

2052. Did you make any attempt to find out who were constituting this Institute of Patent Agents, and who were organizing in connection with the Society of Patent Agents?—I did not make any attempt to find out about the Institute, because I rather believe I was away abroad at the time, but, as to the Society, I had put before me a list of their members, I think the members they then had.

2053. As to the Institute you must, of course, have become aware of the fact that a number of gentlemen had associated themselves together and

Chairman—continued.

formed the Institute of Patent Agents?—Yes, I was aware of that subsequently, and of all their names. I am to-day.

2054. You did not consider that there was any necessity for any organization or any association in connection with the business. When did you begin to take an interest in the questions affecting the patent agents as a body?—At an interview with Mr. Hopwood at the Board of Trade. He then had informed me, which was news to me at the moment, that the Institute had laid a Bill before the Board. I am talking now of November 1893, and after that period.

2055. Until November 1893 you did not take any interest in the business or profession of patent agents to which you yourself belonged?—I took a great interest.

2056. I mean as a profession or business?—I took your question to mean a prominent part, or an interest apart from that interest which any man would naturally take in his own profession.

2057. Yes, I meant taking an active part in connection with the affairs of the profession or business?—Not till November 1893.

2058. Or an active part in connection with the organization of the profession or business to which you belonged?—Just so, in 1893.

2059. That is to say up to 1893 you attended to your own individual business as a patent agent, and did not trouble yourself about other patent agents, or about any organization as between patent agents or any association of patent agents for any professional or business purposes?—Just so.

2060. What led you in 1893 to interest yourself in these matters?—A conversation with Mr. Hopwood at the Board of Trade.

2061. Did you go to the Board of Trade?—I went to the Board of Trade on another purpose, to know if, looking to the matter *in re* Lockwood, fees were now to be paid.

2062. You had heard then of the case of *re* Lockwood?—Yes.

2063. You went to the Board of Trade to inquire whether you were liable to pay fees?—Just so, whether I ought to pay them or what the rule would be; to learn what the Board of Trade had to say on that matter.

2064. What did Mr. Hopwood tell you?—They had nothing to say particularly on that matter, but in the course of discussion it came out that the Institute of Chartered Patent Agents had lodged a Bill with the Board of Trade which it proposed presenting to this honourable House, and I learned that the Society were having repeated interviews with the Board of Trade with a view to getting the Board of Trade to adopt the Society's views. Then I advocated some views on my own behalf, and on behalf particularly of people and agents who were not members of either Institute or Society.

2065. That is to say you put yourself in communication with some other patent agents who were not members either of the Chartered Institute or of the Society of Patent Agents?—Just so.

2066. Did you hold any meeting?—No, I addressed them by circular.

2067. When was that?—That was on the 7th February 1894.

Chairman—continued.

2068. You sent out the circular addressed "To our Fellow Patent Agents"?—That is so.

2069. That circular was signed by Herbert Haddan & Co?—Yes.

2070. That is the name of your firm?—Just so.

2071. You sent out this circular and you say on this circular, "The breakdown of the present system of registration of patent agents has, in the opinion of the Board of Trade, necessitated further legislation. It is understood that the Council of the Institute of Patent Agents has laid a draft Bill to this effect before the Board of Trade, and the Board has signified its willingness to facilitate the passing of a Bill that shall meet the general approbation of the profession. Following the same line of conduct as characterised the proposals which led to Section 1 of the Act of 1888, and Rules of 1889, the Institute has taken no steps to ascertain the individual opinions of the great majority of the profession who are not members of the Institute. The Society of Patent Agents has been invited also to file proposals, but some are not, we believe, yet formulated, nor is it intended to put them to the vote of the profession. The view of the Board thus being: (1) That there must be registration of Patent Agents; (2) That there must be governance; (3) That the scheme adopted must be generally acceptable to all; we, being unconnected with either Institute or Society, on behalf of ourselves and all other members of the profession who may signify assent to our proposals, have also proposed to the Board a draft Bill (enclosed) which we think fair in all interests. We say: 1. Any registration should be made valuable by forbidding the non-registered to practise. 2. The governance must be perfectly independent of any section of the profession, and every registered agent should have an equal vote. 3. Past errors should be condoned, but annual fees should in future be confined to what is necessary for keeping up the register. We point out that it is desirable, in your own interests, now to notify your views, and we write you to say on the enclosed form whether you do or do not assent to our above three proposals, and to make any remarks as to essential alteration of any proposal, if you wish. Those who assent are invited also to sign and return enclosed proxy, as we are led to suppose that the provisions of the actual Bill to be adopted are to be decided by majority of votes, on discussion before the Board of Trade. We count upon your supporting us in sufficient numbers to ensure the carrying of such scheme, which under all circumstances of the case appears to us the best. We do not ask or receive any contribution towards the expenses, which, as we are resident in London, and have no committee, secretary, &c., will be but trifling. Our Senior desires to state that during his experience of 42 years this is the first opportunity given to the profession generally of expressing their views, with every chance of their being carried out, and may never occur again. Kindly oblige with your reply by return, as the date for discussion may be fixed at any day." Then the form which you ask these gentlemen to fill up is addressed to your

Chairman—continued.

your firm, and states, "Gentlemen, I hereby authorise you to inform the Board of Trade that I do"; then there is a blank for "not" if the person does not assent "to the proposals substantially, as conveyed in the draft of the Bill deposited by your Mr. Haddan with the Board on 3rd February 1894, as per copy submitted to me." Then there is a blank for "Remarks (if any)," and then there is a proxy. "I, (blank) Patent Agent, do hereby constitute and appoint Herbert John Haddan or Reginald Haddan of the firm of Haddan and Co., or either of them to vote for me for substantially the clauses in a draft proposal for a Bill for Governing Patent Agents, &c., as deposited by aforesaid Herbert John Haddan with the Board of Trade on 3rd February 1894."

2072. To whom did you send this letter?—I sent that out, I think, to about 150 patent agents, being, as far as I knew, all of those who were not members of the Institute, nor members of the society.

2073. The Bill that you refer to in this circular was this Bill which you have sent to me marked B?—Yes. It is rather the heads of a Bill for the consideration of the Board of Trade.

2074. This Bill substantially carries out those three heads that are stated in your circular?—It endeavoured to do so.

2075. Now, what was the response to that communication? — We got answers from 28 agents unqualified; that is to say, without qualifications—assents.

2076. What do you mean by "unqualified"? —Simple assents.

2077. You sent it to 156 agents?—Yes.

2078. You communicated with 156 registered patent agents not being, as far as you knew, members of the Institute, or of the society?—Yes.

2079. And you have received answers from how many?—Only 28 unqualified assents.

2080. From 28 you received a reply agreeing, without qualification, to the terms of your circular, and to this Bill?—Yes; and from six dissents, and there were two neutrals.

2081. Did you have any communications from any of the others?—I saw some others afterwards at my office, or my son called on some. I may be allowed, perhaps, to explain that that invitation to the outside agents was sent out with a view of getting the Society, and the Institute, to send out the Bill they were formulating, because up to the present, that is up to just this moment, the proposed legislation which is now before the honourable Committee was not communicated. Neither the Institute nor the Society had ever invited, or asked, any member of the profession on any occasion, to concur in anything they were doing. In fact they always worked in the dark.

2082. You did not invite them?—I sent this out to force their hand, I may explain to you.

2083. How could you force their hand by sending it to other people and letting them know nothing about it?—I sent a copy of my proposed Bill to the secretary of the Institute, and to the secretary of the Society at the same time.

2084. You thought that was sufficient without

Chairman—continued.

communicating with their members?—Because I took it that the societies would communicate best with their individual members; I did not know who the members were.

2085. Then what took place after you had received these unqualified assents, dissents, and neutrals. You had the interviews you have referred to with those who did not respond in writing. Then what followed?—Then I explained this matter to the Board of Trade, or rather to Mr. Hopwood.

2086. Do you mean that you went to the Board of Trade and told the Board of Trade what you had done and what the result was?—Yes.

2087. What else did you do?—I did not do anything further.

2088. Did you have any meeting of these gentlemen who had written to you?—No; they were all over the country; speaking generally there would be very few of them in London.

2089. Then you went to the Board of Trade and you informed them of the circular you had sent, and of the heads of the proposed Bill, and of the replies you had received, and there you left the matter?—I had to leave the matter there, because the Board of Trade told me that they had tried to get the Institute to meet the Society, and parties representing the outside agents, and that they found it impracticable to bring about any such meeting, and therefore they, the Board of Trade, were not going to bring in any such Bill as they supposed they would have brought in, and which led to my taking the steps I did. These steps, of which I have had the honour of giving evidence, were taken with the view of joining the whole profession together; that is to say, the Institute and the Society, before the Board of Trade, or some Committee of the Board of Trade, to get the whole matter properly settled with a view to the Board of Trade bringing in a Government Bill. That was found impracticable, as I am informed at the Board of Trade, and there I ceased my endeavours.

2090. You did nothing further?—I could not.

2091. Now you know what the Chartered Institute propose by their Bill?—Yes.

2092. And you know what the Society of Patent Agents propose by their Bill?—Just so.

2093. Do you consider yourself in any way representative of any number of patent agents, or do you desire to confine yourself to expressing your own opinion with reference to these Bills?—I think I can speak on behalf of about 30 patent agents and on my own behalf.

2094. Then what justifies you in stating that you can speak on behalf of anybody besides yourself?—Well, the letters from the agents and people assenting, not as regards this inquiry, but assenting to my proposed heads of a Bill which are the matters in question which I will now, if I am allowed, advocate before this Committee.

2095. Then I understand that this circular of yours led to communications with some 30 patent agents?—Yes.

2096. And that these communications justify you in your own opinion in representing the views of 30 people besides yourself upon this inquiry?—I think they do.

2097. I suppose there would be no objection, if we wanted it, to our having an opportunity of

Chairman—continued.

looking at the letters?—Not at all, if you like to do so.

2098. We will defer that; I only asked the question?—Certainly. Here are the letters (*handing in same*). Fourteen, I think, signed proxies in due form, but we cannot use them as proxies here; it was with reference to the matter before the Board of Trade.

2099. Do you approve or disapprove of the Bill brought in by the honourable Member for Monmouthshire?—As to the provisions of the Bill, speaking generally, I have nothing much to say against them except that I object to the governance being given to the Chartered Institute.

2100. Why?—Because I do not think a minority should govern the whole of the profession. They are only a third of it. I do not personally want my affairs governed by any committee, by any people self-elected as they were. They are not elected by the profession.

2101. You think they are not sufficiently representative?—That is the sum total of it.

2102. Is that the only objection that you have to make?—I have some other objections.

2103. Will you tell us them shortly. You need not refer to the Bill in detail, but tell us what the objections are?—I do not know if I may be allowed to speak for the gentlemen I am said to represent, but I do not like these, which I would call the derogatory clauses of the Bill, for securing admission to the Institute, and I do not like them for this reason. *Primâ facie* the eligible who have been desired to enter, have already entered the Institute, or could enter under their conditions and bye-laws. Admission is not so generally desired as the Institute supposes, as the latter is practically useless to individual country members.

Mr. *Bousfield.*

2104. The Institute, that is?—Yes. I say it is derogatory to the Council of the Institute for this reason. Surely they can trust themselves to elect people in a proper way, and surely it is derogatory to the man who seeks election that he should come in by some hybrid kind of committee, because he cannot trust the council of the body he seeks to join.

Chairman.

2105. The principle of the Patent Agents Bill is the constitution of patent agents as a profession; the establishment of a disciplinary body; the formation of a roll of patent agents, more or less under the control of the Institute of Patent Agents?—As regards the formation of such a body as you have just specified, I entirely agree.

2106. You approve of the proposal to give a more recognised status to patent agents?—Certainly.

2107. To establish them to a certain extent as a body of professional men?—Yes.

2108. To establish an effective register of them?—Yes.

2109. And to provide for the supervision of that register?—Certainly.

2110. And for the removal from the register of persons who are not fit to be on it, and ought not to be on it?—Certainly.

Chairman—continued.

2111. And to the recruiting of the register, if I may use such a term, by a process of examination in the future which shall test the qualifications of people to do the work of patent agents; you approve of that?—Yes.

2112. Then you only disapprove of the portion of the Bill which vests the control in the Institute as at present constituted?—Just so.

2113. And if the Institute were to be more representative of the whole body of patent agents, your objections to what the Chartered Institute of Patent Agents would propose by this Bill would be removed?—Certainly. I may say in that connection, though, I do not quite see how you are going to have a proper enlargement of the Institute council to do what I understand the honourable Committee or some members of it propose.

2114. But assuming that it could be made representative ——?—If it could be possible, I should certainly agree.

2115. Failing that, how should you have the register kept; by a new body to be elected by the whole body of patent agents?—Just so.

2116. Or by a Government official?—I think the patent agents, if they are worthy of being incorporated or made into a body with disciplinary powers, &c., as you, Mr. Chairman, have just suggested, are certainly the proper people to keep the register, and to put on and to remove people therefrom.

2117. And you are practically, as I understand, in favour of what the Chartered Institute of Patent Agents propose, provided the Institute is so reconstituted as to be representative of the whole profession?—Yes, I favour their Bill, if I may be allowed to say so, provided that the governance of all the matters in that Bill, save and except so far as they refer to the Institute's private matters, if I may call it so, is vested in the council to be elected from the whole of the profession by a universal suffrage, if I may use that expression.

2118. Then you are rather in favour of the creation of a new body to superintend the register and to control the profession rather than the present Institute of Patent Agents?—A new body as a body, but we would be only too pleased, if I may be said to represent the outside patent agents, to have it proportioned between the Institute and the society and the outsiders, that is to say, that each body should nominate a number of people equivalent to their members, in fact.

2119. I suppose the preliminary step would be the creation of a complete register of all persons who are at the present time patent agents?—Certainly; that all who are at present on the register, or who I should say could show due and proper cause to be on the register up to the passing of this intended Bill shall be allowed to go on.

2120. And then afterwards they would be recruited by examination?—Certainly.

2121. As this Committee might prescribe?—Certainly.

2122. That is from the professional point of view. Now, in the interest of the public, what justification is there, looking at the matter from a public point of view, for giving an exclusive position to patent agents, creating them an exclusive

Chairman—continued.

clusive profession?—My view is that the policy and provisions of the present Patent Laws directly lead inventors to omit the precautions necessary to obtain valid patents by permitting them to assume a part of the necessary work to be the whole, thus enabling them to be easily deluded by incompetent persons acting as patent agents; because the Patent Office, by circulars, &c., contrary to the practice of any other Government Department, interpret the law yet understate the requirements of valid patents and so mislead inquirers. The absence of an examination of novelty and as to exact logical definition of what is claimed, renders the Patent Law delusive to the applicant, since the applicant mistakes the purport of the examination made by the Patent Office. The misconceptions thus produced render the inventor an easy prey to any person who may have only such qualifications as are necessary to enable him to get an application allowed by the Patent Office, and also render the latter an easy practice. Registration of all persons precedent to permission to practise upon proof of fitness, is designed at any rate to prevent inventors from being deluded by the incompetent.

2123. You consider, therefore, that, in the interests of the public, it is desirable that patent agents should be a registered body of men who have certain qualifications?—Decidedly.

2124. And that outsiders, if I may use such a term, should not be allowed to practise as patent agents?—No, they should not be allowed to practise.

2125. Should not be allowed to hold themselves out as persons practising as patent agents?—Just so.

2126. You do not go so far, I suppose, as to say that a person desiring a patent should be compelled to employ one of these registered patent agents?—No, I would not go so far as that.

2127. Or that if he does employ anyone at all, he should be bound to employ a registered agent to obtain a patent?—No; but I think that only a registered patent agent should be entitled to recover fees for services rendered of that particular nature.

2128. You think that would be sufficient?—Not wholly, because forbidding the unregistered patent agent to recover fees is not sufficient, since it is the custom to charge fees in advance. Certainly, a poor inventor would be especially so treated. If a poor inventor comes to me, or, possibly, to any patent agent, we do the best we can for him as regards his means; I mean we do not charge him, possibly, what we should charge a man who is fairly well to do; but especially as regards the stamp on his application, we ask him to leave that money in advance. What I mean to say by that is this: it was put to the last witness that it would be sufficient, as I understood, if patent agents were the only parties allowed, as patent agents on the register, to sue and recover their fees. That would not be sufficient. The profession, if made a close one, should embrace all agents on the register, and anybody else should be debarred from practising as patent agents, or putting up a plate to hold out that he was a patent agent.

Chairman—continued.

2129. Should not an inventor be permitted to employ any agent he likes to leave his papers at the office and communicate for him with the Patent Office?—If it is to be the messenger work of leaving his papers, certainly. The Post Office does that for him now; it gives him forms, and tells him how to fill them up to a certain extent. That is part of the snare, or delusion, which a poor inventor suffers owing to the present system of the Patent Office in doing business.

2130. Speaking from your experience, have the public any reason to complain of the dishonesty or incompetence of patent agents?—I think the evidence we have had as to the black sheep in the profession has been considerably exaggerated. I have been in the profession many years; I have met all sorts and conditions of men; I have had many complaints made to me personally as to what other agents have done, or may have failed to do, but I have never heard yet of any bad cases, save with one exception, of a man who took money for foreign patents, and did not perform his work.

2131. Of course what you are suggesting is opposed to the Report of the Departmental Committee. You are aware of that. They recommend that an inventor should not be prohibited from employing any agent he pleases to deal with the Patent Office?—I have not got in my mind the real scope of that.

2132. They say: "Some witnesses urged that if a roll of duly qualified agents were created, the Patent Office should be permitted to deal only either with the inventor himself, or with an agent on the roll. We cannot recommend such a regulation, and we think that it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof." What justification is there for creating such a monopoly as you suggest?—That is some years ago, and we advance, I trust, as long as we live, and as long as the profession exists, and that may not and ought not to so properly apply to-day as it did then. I do not agree with that recommendation. I would agree in a qualified sense that a man might get an expert to help him. We have to do that ourselves in certain matters. An expert is called in on a particular business that an inventor seeks to patent, and he may help us, or even the inventor, in preparing his papers.

2133. You frequently, as a patent agent, have to call in experts with reference to special work?—Occasionally, certainly for special work.

2134. I suppose a very large number of patents are such as an inventor himself can fill in the specifications for?—The inventor may of course always fill in a description of what he thinks is his invention, but it is a very different thing to do it properly. It is like a man drawing a will, we all know what we want, but we cannot draw our wills, and I would say, in an analogous sense, that an inventor knows what he wants, but does not know how to frame it.

2135. You think therefore that in the interest of the public it is desirable that patent agents should be established as a distinct profession?—Most certainly, because we want to have men

Chairman—continued.

properly trained to that profession to advise the public. We must have a beginning of course.

2136. Then in the main you are in sympathy with the objects which both the Institute and the Society have in their Bills?—Certainly; it is only the matter of governance which we have objected to and the mode in which that committee or council should be elected.

2137. You say that the governance should be by representatives of the whole body of the profession, and not of any limited portion or section of the profession?—Yes, that is what we say. I have drafted a clause or two which embodies that; I do not know if I may be allowed to hand them in. I have taken the Institutes' Bill, and drafted a clause to meet just our views.

2138. In the way that would suit you and your friends?—Yes; if the Committee will allow me to put it in, I will immediately give a copy of that proposal to the Institute and to the Society (*handing in clauses*).

2139. You have heard the suggestion made that the Institute and the Society should have a meeting to discuss the question with the aid of gentleman like yourself and others who take an interest in the subject of this Committee's inquiry with a view of seeing whether the terms of a Bill cannot be arrived at which could be treated as a Bill having the consent of the general body of patent agents, and submitted to this Committee. Would you have any objection to accept an invitation to meet the representatives of the Institute and the Society?—Not the slightest.

2140. Your friends have confidence in you, and you think would act upon any advice you gave them as to co-operating in a Bill such as that I am suggesting?—They would follow my advice because they followed it, and wished to follow it when it was proposed we should meet before the Board of Trade, but I am afraid, if I may make the remark, that what we could not do before the Board of Trade possibly we cannot do by ourselves, I will try, speaking for myself.

2141. You could suggest those modifications which you have handed in, to the council of the Chartered Institute, could not you?—Certainly, I will do so at once.

Mr. *Mather.*

2142. You know, I presume, that the members of the Institute comprise about a third of the profession?—Yes, they do.

2143. About 70 members?—Yes.

2144. Do you know how many members there are in the Society of Patent Agents?—I do not know as a matter of fact. I think we had it in evidence that there were 35 or 40.

2145. There are 40 members of the Society of Patent Agents, I understand?—Just so.

2146. And you obtained for your unorganised society practically 30 members?—Practically.

2147. You simply organised for the purpose of promoting a certain Bill. You have no other adhesion, but that I presume?—I tried to organise with a view to assist the Board of Trade to arrive at some definite mode of dealing with the question, as far as they were concerned.

2148. That was after you had heard that the Institute was promoting a Bill, and that the Society of Patent Agents were promoting a Bill?—Certainly.

Mr. *Mather*—continued.

2149. Taking the Institute as a whole, do you consider it represents the best quality of the profession, the highest degree of competency that the whole profession of patent agents has?—As a rule, I think so, certainly.

2150. Have you any reason to suppose that since it became a chartered society it has in any way militated against the interests of the profession as a whole, by any of its acts or deeds?—The only thing I can say is that by becoming a Chartered Institute, and by taking the governance given by the Board of Trade under the Act of 1888. I am afraid that has to a certain measure led to their aggrandisement above the rest of the profession; and I think from what I have seen from certain articles in the papers, and certain pamphlets or books put about, that the members of the Institute, not the Institute as a body, but certain members use their position as members of the Chartered Institute to aggrandise themselves over the profession generally; and they insinuate in more than one of such publications, as I have seen, that all people who are outside the Institute are necessarily, as we heard from the first witness, a kind of "tag rag and bobtail," or in other words, that they are not sufficiently respectable or honest to come in.

2151. I have not been at all impressed by the evidence offered on that point in the sense in which you now put it. The witness who spoke of the position of the Institute, intimated that in the profession outside the members of the Institute there were some cases of persons who had practised contrary to the customs which ought to prevail amongst gentlemen, and who also were not quite competent in matters concerning their profession; but nothing has been said before this Committee to give us the idea that the majority of persons outside the Institute are classed in that vulgar phrase the "tag rag and bobtail?—I do not know that it quite went to that extent.

2152. That is not our impression, I think?—Just so.

2153. But the council of the Institute would have been glad at any time to have welcomed you as a member of the Institute?—I think it is very possible. I cannot say that they would not.

2154. Therefore you might have resumed whatever position of privilege, or of reputation, membership of that Institute is supposed to confer. You might yourself have benefited by that at any time that you thought fit?—Well I suppose we may say that.

2155. You have heard from the president and past president, the registrar, secretary and others, that the Institute is waiting, and anxiously waiting, to receive applications from members of the profession to join it; and that the ground upon which membership has not been sought by so large a number now outside, is said to be, I believe, that the entrance fees were very high, and the subscriptions to the Institute were high?—I should say, if I were asked, that the fees were higher than the *quid pro quo* possible

to

Mr. *Mather*—continued.

to be derived from the Institute; but that is a matter, perhaps, of opinion.

2156. You have heard, also, that if the members were doubled of course the fees might be, if not half, at least very much reduced. Therefore it follows, as with all other societies, that the larger the number, and the more prosperous the society, the less the cost?—Yes.

2157. Do you consider that the Board of Trade, taking the conditions which were placed upon them by Parliament by the Act of 1888, had any option whatever in dealing with the profession, to go to anybody or to any other individuals, but the Institute of Patent Agents itself?—If the Board of Trade sought to govern the profession through the profession, the only people they know of, or could go to, was, of course, the Institute. I do not see that it was quite necessary that they should govern the profession through the profession by means of a minority of the profession.

2158. But it was quite natural that they should go to the only known body representing the profession?—Possibly.

2159. So far as you know there was no complaint made on behalf of the profession as to the manner in which they conducted their business until this question of the annual fee of three guineas came up?—There has never, as far as I know, been any complaint against the mode in which the Institute has kept the register, because that is what I think you are referring to.

2160. Quite so; that is what I mean. Then it appears to me that you and the previous witness, Mr. Gadd, are agreed as to this, that the Institute has upheld the dignity and the quality of the profession, as a whole?—Yes.

2161. There may have been, of course, incidents which have been unpleasant; but, as a whole, it has maintained the objects for which it asked for a charter?—Yes.

2162. The previous witness, Mr. Gadd, said he thought that the tendency of the Institute had been to create a monopoly of the business, or the profession, of patent agents for those practising in London, and that the country practitioners had suffered in consequence; is that your opinion?—To a certain extent; but for this reason, that in London there are 118 patent agents, out of the whole number, and therefore the London agents must have the monopoly. We have a population of 4,000,000, &c., and perhaps a bigger population than the aggregate of Manchester and Liverpool and the other leading centres combined.

2163. But among the practitioners there are a considerable number who are not members of the Institute?—Yes.

2164. And they have not suffered, from a professional point of view, from the fact that the Institute exists in their midst?—I cannot say that they have. I certainly have not.

2165. Now, the heads of the Bill which you handed in to the Board of Trade, and which you have submitted to us to-day, and the Bill submitted by the Society of Patent Agents, and the Bill prepared by the Institute, all agree, do they not, on this point, that you desire to have a corporation, a close body representing the qualities necessary to protect the public in

Mr. *Mather*—continued.

their applications for patents at the Patent Office, in such wise that they shall, so far as the agency can effect it, be protected against their patents being invalidated or made imperfect on account of the phraseology or the construction of their claims?—Certainly.

2166. You are all agreed about that?—Certainly we are.

2167. You are also, I think, all agreed that the outside agents, which I have termed the free lances, who have not qualified as registered patent agents, ought not to be permitted, so far as the Act can prevent them, to approach the Patent Office in the capacity of agents who have drawn a specification?—Certainly not.

2168. But, in the other sense, you have no objection to their coming to the Patent Office and lodging documents, and acting, as it were, the part of a friend, and in that sense acting as an agent; but you do consider that the gravity of the subject involved demands, for the sake of the inventors, and therefore for the sake of the public, that a duly qualified person should be the only person to draw a specification and present it at the Patent Office?—Certainly. It is in the inventor's individual interest, but more especially for the benefit of the public records, and the raising of the whole tone of patents, though I advocate it only in default of that stricter interpretation of the "science" of patent grants (similar to that in the United States), which I should like to see the Patent Office adopt.

2169. Under these circumstances, being all agreed up to a certain point, there seems to be nothing left between you, who represent, I think we may say, the whole body of now registered patent agents, but the mode in which you would administer an Act, supposing it to be passed, that would effect these objects?—Just so.

2170. You have said that if by universal suffrage the whole body of patent agents should elect a council, using the Institute as probably your place of meeting, and recognising the institute as the head and front of the profession, you would be quite satisfied that a council elected by universal suffrage amongst all the members would be a safe body to entrust with the powers of this Act?—If I may be allowed to put it so, I have no objection, speaking for myself, if universal suffrage elects a council or a committee, to members of the Institute or Society coming in, if they are willing to do so, and proposing themselves as members to be elected, or if they do not like to come in to be elected, we will go further and say: "Well, gentlemen, you are so many in number, you shall elect yourselves two men or three men, as the case may be, in proportion to your numbers."

2171. Do you think that the members of the institute represent one half of the professional work amongst patent agents?—No. I am glad you have asked me that. As far as my experience and opinion goes, I think it is not correct to say that. I think it was not wilfully so stated, but I think it referred only to the specifications that were completed. As you are aware, an application for a patent consists of two stages, the application and the completion thereof. Now

Mr. *Mather*—continued.

if we take the applications, and in fact if we take all the steps before the Patent Office you will find that the majority of all the business done at the Patent Office is in favour of the outside agents; I mean those who are not members of the Institute. I am not now talking of the society at all. I class those with the outside for a moment. But it is very possible I think that the gentleman who gave it in evidence meant—and he may be asked if he really meant that—as regards the completion of patents. Perhaps the Institute may complete more patents than the outside, but I take the whole work, and as far as I can judge, I have totted it up for about three months, but it was difficult to give real and correct figures, because every minute I had to be finding out who was a member of the Institute so that I would not venture to put it before the Committee, but I assure them, as far as I could gather from "The Patent Journal," which we all have, that as regards the applications and all thrown in, it was not as stated generally by the Institute. There is not a large difference, I may say.

2172. You would scarcely admit that an application for a patent is anything like the same character of business as that which is involved in the completion of a specification?—Well, it is more important, that is all, because if you make a mistake in your provisional specification you cannot correct it in the complete.

2173. I quite understand that no good complete specification can be rendered without a perfectly well-drawn application, but so far as business is concerned the weighty business which assists inventors, and gives them a position before the country in the complete specification, that finishes the transaction?—Certainly. It costs more; the work is more intricate and more complex, but in the very simplicity of the provisional specification there is, perhaps, more occasion for exercise of agents' skill.

2174. It also shows that the subject-matter of the invention is probably of much more serious importance than that for which only an application was made?—Yes.

2175. Taking the position of the Institute as it is to-day, and taking the status of its members, on the character which it has before the public and the work it is doing for the profession, having regard also to the Society of Patent Agents from the same point of view, would you have any objection to join in conference with gentlemen, respectively, representing these various interests in making such modifications of this Bill of the Institute as would enable a council to be elected for administrative and disciplinary purposes which should be identified with the Institute, but composed one-half of members of the Institute, and one-half of members elected by the whole profession outside?—I should have an objection, because that would not give fair power for votes. If the Institute are 74, say for the sake of argument, and all outside that Institute are the balance, and we are to give the Institute half, and the others take the other half, you can see we should be out-voted.

2176. But taking, as I said, the status of the Institute; the fact that it is a Chartered Society; that it has been in existence so long as that it has received from the Board of Trade a kind of *imprimatur*, showing that it possesses a distinct dignity and position in the eyes of the public, do not you think that should count for something, and that if half of the members of the council were composed of members of the Institute, and half of the body outside, it would fairly represent the interests of the profession, because they are of the profession after all. They are not antagonistic persons?—No.

2177. My cross-examination has been to try to elicit from you whether you have confidence in the Institute so far as its membership was concerned. I understand you have. Therefore they are all equally interested in the profession with you. They have a different position before the public; not from any particular virtue of their own, or any fault of their own, but they have it. We have to deal with the facts of to-day, and therefore I ask you whether, taking all the circumstances into consideration, you would not be prepared to meet in conference with the members of the Institute, and the Society of Patent Agents and see if some modifications of this Bill could not be made, in the sense of a council, being constituted one half of members of the Institute and one-half of the profession outside?—So far as you have put it, if it is to be half-and-half, certainly not. There is no good in doing it. For that matter we look at it in this way: that "Jack is as good as his master," if I may say so. That is to say, though the members of the Institute are individually and collectively good men in the profession, there are as good men outside, and I for one will not allow that I am to be governed by these gentlemen, or in any measure unduly, save by proper representation, because they have been an Institute for 10 years, or because they have been a third of the profession; and they are never likely, I think, to be more. Why should I? What reason is there? I want equal representation. Whether these gentlemen of the Institute are not likely to be elected by the general vote of the whole mass is a matter that is indifferent. They might, perhaps, put one or two men on in proportion to their numbers without seeking election. I see no objection to that. That would not give them a majority, unfortunately it will give them a minority. Well-known as they are, and being, if you like, the heads of the profession, surely they can have no fear of going before all their fellow patent agents and running their risk of election. I should have none if I wanted to serve, but I do not wish to. I would do my best to meet and to carry out such a view, but I have not got it in my mind to tender myself to be a member of the council.

2178. You attach no weight whatever to the fact that the institute has hitherto been the only properly constituted body for representing the interests of patent agents before the public?—I admit that.

2179. You attach no weight to that at all?—Not in the sense that you would perhaps, as giving them a preponderance of voting power; that is the only thing.

2180. I did

Mr. *Mather*—continued.

2180. I did not say a preponderance, I said one-half and not a preponderance?—But it must be a preponderance if you work it out in figures.

2181. How could one-half be a preponderance?—But if you give 70, half the voting out of 245, and only leave the others the other half.

2182. You mean counting heads simply?—How are we to count. That would be unequal.

Sir *John Lenj.*

2183. I understood you to say that you had communicated with registered patent agents who were not members of the Institute, or of the Society of Patent Agents?—Yes.

2184. Did you communicate at all with any firms who, although not registered patent agents were practising as such?—No.

2185. The Committee have been told of cases of men taking money to obtain patents who, instead of doing the work, put the money into their pockets, and some of them absconded. Have many such cases come under your notice?—One latterly came under the notice of everybody, because it was in the police court, and one came to my private knowledge some four or five years ago.

2186. But although you have been 42 years practising, and in London some 30 of them, as a patent agent you only know of two cases of gross dishonesty or fraud?—Certainly, only of two.

2187. We were told that the profession is in a worse position to-day than it was before the Chartered Institute was established: do you agree with that opinion?—No.

2188. That is, as to character and efficiency on the part of those who are outside the Institute?—Well, of course, if a body increases, as this body is doing, the percentage of bad or black sheep is bound to increase also, to that extent, possibly it is so.

2189. There is a proportional increase?—Possibly, I am not prepared to say it is so.

2190. But, from your knowledge and observation, speaking generally, your impression is that the profession has not deteriorated?—No, not as a profession, I think not.

2191. With reference to the position of the Institute, it is a comparatively modern institution?—I think it has been established 10 years.

2192. You do not think from antiquity, at all events, it has any special claim on the profession, on that ground?—I would say that every man must have some regard to a body of men who are seeking to do their best to ameliorate the profession, but it does not follow that their regard need go so far as to seek to be governed practically and wholly by that body or institute.

2193. You think that every registered patent agent's vote is entitled to the same value?—Certainly, because I do not see otherwise how you are going to draw the line. If a man is worthy to be placed on the register, and the register is to be governed by a body of patent agents, surely that man, if he is worthy to be put on is worthy of a vote in the governance.

Mr. *Nussey.*

2194. Do you think there ought to be any fee charged to go on the register?—I see no objection to a fee; a moderate fee, possibly.

2195. Do you think that the existing fee has been too high?—Yes, possibly; but I do not think people have complained of it. It might be less possibly with advantage to some of the poorer members.

2196. You think there ought to be an examination?—Oh, certainly.

2197. Something on the same lines in the future as there has been in the past?—I could not follow the whole of the examination papers that were put before the Committee, but it should be on those lines possibly, and further, languages, and most certainly mechanical draughtsmanship should be included, about which, if I am correctly informed, nothing was done. Because our profession deals largely with mechanics and mechanical drawings, and it requires men who have a knowledge of draughtsmanship; in fact, who should, to a certain extent, be draughtsmen themselves, and certainly understand a drawing when they look at it. I do not think that was put in the curriculum that was put before the Committee, but I cannot say; I did not hear very well.

2198. Should there be a board of examiners, do you think, or would you prefer that some Government Department undertook the examination?—I think if the whole profession governed themselves by the election of a council it surely and fairly could be left to that council to appoint examiners.

2199. On the term of one vote one patent agent?—Yes, as to the council one agent one vote, and for one member of the council, but touching the question of examination which I understand you to put to me, I would much rather that the patent agents should themselves, or that the council should determine who should conduct the examination; not a Government department quite outside. We think we know what the profession of patent agents should be, and what it should consist of, and of the requirements it should possess, and we do not think at present that there is any outside governing body who could properly undertake the examination, not even the Patent Office for that matter. I do not think they would do. We would prefer to have that ourselves in our own hands.

2200. Would not that create a tendency to exclude would-be patent agents owing to making the examinations too rigid?—That might be possibly overcome by allowing say, the Lord Chancellor to supervise the examinations, by saying that the papers should be sent to him, possibly as a matter of form, of every examination, so that he should have a control. The Lord Chancellor or the law officers at present would know very well the tendency and scope of such papers, and whether they were going too far.

2201. It depends upon how many marks you would have to get on your paper?—Certainly. The whole conduct of the examination should be put before the law officers; that is to say, that in French there should be three marks, and in German, four, &c., so that the law officer should

Mr. *Nussey*—continued.

see and judge of the papers, and the numbers of marks which were got, and then he would be able to check it. But the thing speaks for itself. They have not been too rigid yet. We have been told, in evidence, of 22 men who went up, 19 of whom, I think, passed.

Mr. *Mather.*

2202. Twenty-two out of 28?—Then six out of 28 only were plucked; so that I mean that does not go to show there need be much fear of patent agents, as a body, unduly pressing men wishing to come in by very stiff examinations.

Mr. *Nussey.*

2203. But in the past, patent agents have not been a close corporation exclusively?—True.

2204. And this legislation is having a great tendency to that effect?—Yes, but any unfair tendency to exclusion, I submit, could be overcome by sending up the papers in every case to the law officer, with power for him to give a *fiat*, if you like, passing the examination.

Thursday, 7th June 1894.

MEMBERS PRESENT :

Mr. Thomas Henry Bolton.	Sir John Leng.
Mr. Alban Gibbs.	Mr. Mather.
Mr. Heywood Johnstone.	Mr. Nussey.

MR. THOMAS HENRY BOLTON, IN THE CHAIR.

Mr. JAMES WANN, called in; and Examined.

Chairman.

2205. I BELIEVE you are of the firm of T. B. Browne & Co., of 163, Queen Victoria-street?—Yes.

2206. That firm practices as patent agents in connection with trade marks?—Among other things, yes.

2207. What other things?—Well, principally, it is an advertising agency.

2208. I believe you have considerable business with some people very largely concerned in trade?—Very largely indeed.

2209. Such people as the proprietors of Pears' Soap, Hudson's Soap, Reckitt's Blue, Cadbury's Cocoa, &c., &c.?—Yes.

2210. Have you been present at the meetings of this Committee?—I have been present at two, I think.

2211. But you have made yourself acquainted with what we have been doing?—Fairly well acquainted.

2212. Has there been a meeting of the trade mark agents?—There has been.

2213. And have you been instructed to represent them before this Committee?—I have.

2214. And I assume that you will represent the views of the gentlemen who met, and who instructed you to represent them here?—That is so.

2215. Will you be good enough to tell us what your views are with reference to the legislation proposed by the patent agents?—At present trade mark agents are not prohibited by the present Act from practising as patent agents, although they are prohibited from describing themselves as such, and at present they are, to a considerable extent, the great majority of them, at all events, practising as patent agents. The present Bills, if passed into law, would have the effect of stopping that entirely. The particular clauses objected to are 3, 6, and 7. Clause 3 describes very fully what a patent agent will be, and it will prevent trade marks agents practising in the United Kingdom; it will also prevent their describing themselves as agents for patents abroad, which they are not at present prevented doing. Then the next clause objected to, Clause 6, will give effect to that prohibition by putting it out of the power of the Comptroller to receive any documents from those agents; and in the following clause it is laid down that we cannot practise unless we are on

Chairman—continued.

the register; and there are no means afforded to us in that clause, or elsewhere in the Bill, of being put on the register.

2216. You are referring to the Bill promoted by the Chartered Institute of Patents Agents, brought in by the honourable Member for Monmouthshire, are you not?—Yes.

2217. Have you read the Bill brought in by the honourable Member for the City of London on behalf of the Society of Patent Agents?—I have seen that Bill as well, but we do not object to that one. It is more to the other Bill, the Institutes Bill, that we object.

2218. But so far as the Bill brought in by the honourable Member for the City of London is concerned, if that Bill contains any such clauses as you refer to, you would object to those clauses equally in that Bill?—We should object equally.

2219. How many agents for trade marks are there, as far as you know?—There are 15 of whom I have personal knowledge and who were at that meeting or represented at that meeting, but these may not be all. For example, these agents are all in London; there may be others in the country, and others of whom we have no knowledge, but there are 15 of whose names I have a list here.

2220. Has your firm taken out many patents?—Not what might be called a large number. We have during the past year taken out at home and abroad certainly not less than 20.

2221. Do you consider that trade mark agency work is akin to the work connected with obtaining patents?—Well, they are dealt with in the same Act; the Patent Designs and Trade Marks Act, and the two professions are constantly overlapping. It is getting more and more so since 1883 that the two professsions are becoming identified.

2222. You quite understand that the Comptroller of the Patent Office and his officials deal with trade mark matters as well as patent matters purely; and we should like to know from you whether, and on what grounds, you consider that the work of a patent agent is closely associated with the work of trade mark registration and how they overlap, and whether we are to understand that you suggest that the patent agents should do trade mark business, and that the agents for the registration of trade

Chairman—continued.

marks should be recognised as patent agents?—Well, the consolidation under the Act has had this effect in the minds of the public, that they are not able quite to distinguish the difference between a patent agent and a trade marks agent. In my own experience it happens frequently that my firm is addressed as "Patent Agents," and in the same way the patent agents have the advantage of practising as regards the subject dealt with in the main portion of the Act, and consequently the trade marks business is more likely to go to them.

2223. But is the work at all identical?—It certainly is not identical.

2224. Is it similar?—It is not similar.

2225. That is to say, that qualifications are required for a patent agent which are not required for an agent for the registration of trade marks?—No, except that both require competence and integrity, but technical knowledge is not necessary.

2226. Of course both require integrity and competence, and one department would not qualify the other, would it?—Certainly not. At present the great majority of patent agents are not so well qualified for trade marks business as the trade marks agents are.

2227. What is the business done by an agent for trade marks; what is the work that he does?—The business usually is this: to advise a client as to whether any trade mark he has will be likely to pass the Comptroller; to lodge the application; to consider the objections of the Comptroller which in nine cases out of 10 do occur; to attend before the Comptroller at a hearing; to overrule if possible his objections as to, by amending the application, meet the case, and thereafter if the agent be still dissatisfied, with his client's permission, to appeal to the Board of Trade and be heard there and finally obtain the registration of the trade mark if the appeal be successful.

2228. I suppose he has to make searches to compare the proposed new trade mark with existing trade marks, and to see whether there is any similarity that would stand in the way of registration of the new trade mark, or whether there are differences sufficient to justify the registration of the new trade mark if there is a discussion about it?—That is part of his duty.

2229. Making exact searches?—Exactly.

2230. We understand your firm does some patent work, and a good deal of trade mark work?—Yes.

2231. From your experience of that patent work, and your trade mark work do you consider that the work done by an agent for trade marks is at all approaching in importance and difficulty the work done by a patent agent?—My opinion is that it requires much more skill; it is a subject of much more importance than mere patents. The amount of money involved in trade marks is incalculable, and the difficulties which have to be encountered by trade mark agents are immensely more difficult than for patents. In the case of a patent, if there is anything wrong with the specification, the Patent Office puts it right; but it is different with a trade mark; there is never advice given there.

Mr. *Mather.*

2232. You say that if there is anything wrong with a specification the Patent Office puts it right. Will you kindly tell us how that comes about?—I mean in a small matter.

2233. Do you mean in the case of a verbal error?—Yes.

2234. But that is not the specification?—I mean that even on that point the Patent Office gives no advice to a trade mark agent, even in that small matter; they absolutely decline to give any advice whatever.

2235. You mean if you called blue red they would not tell you that you had made a mistake? Well I do not put it in that way. I mean that there is no advice whatever given in the one case, and it is given in the other case.

Chairman.

2236. I suppose in both cases if there is a manifest error, the Patent Office would point it out, and suggest to the applicant, whether he was applying for a patent or a trade mark, that it should be corrected. But would the Patent Office go beyond that? You are suggesting that it is easier to get a patent, that it involves less skill to prepare the specifications for a patent than to obtain a trade mark, and to prepare the information for the registration of a trade mark, because you say that the officials at the Patent Office give the applicant for the patent the benefit of their advice as to correcting matters in the case of a patent, which they do not give in the case of trade marks?—Well, it has appeared in former evidence that it is the complaint of the Chartered Institute that the Patent Office goes out of its way to make these corrections.

Mr. *Mather.*] We have not heard that in this room. That is altogether the other way, so far as this Committee is concerned.

Chairman.

2237. Some time ago it was suggested that they did do too much in that direction, and the patent agents complained, and the officials abstained from advising the applicants, leaving them to act on their own judgment, or to go to others for advise outside the office?—Yes.

2238. Then we are to understand you, as the representative of agents for trade marks, that you consider that if any legislation comes about in connection with patent agents, that legislation ought to extend to agents for trade marks?—Well, not to those agents as trade mark agents. That is not how we put our claim. We put our claim that it ought to include those trade marks agents, because they are at present practising as patent agents in the United Kingdom, and describing themselves as agents for patents in foreign countries.

2239. You say that a good many trade mark agents do business in obtaining foreign patents?—Yes.

2240. But patent agents also do that business, and a very considerable quantity of it, I suppose?—Yes, certainly.

2241. Do you suggest that the business done by the trade mark agents, with regard to foreign patents, at all approaches the quantity of business in foreign patents transacted by the recognised patent agents?—Well, it depends entirely who

Chairman—continued.

who the agents are, of course; but, excluding the principal members of the registered patent agents, the trade mark agents do on an average as much as the others, and I may explain that the amount of business that they do is not business that is sought. They are expressly prohibited from practising as patent agents, so that the work that they do is the very minimum.

2242. Where are they prohibited from practising as patent agents?—Well, they are prohibited from describing themselves as patent agents.

2243. From holding themselves out and describing themselves as patent agents, and inviting business in the capacity of patent agents?—Precisely; so that the work they have is the work that has been brought to them because their clients appreciate their work in that direction.

2244. You understand that the main object of both Bills that are before us, and of the evidence that we have had, is to obtain legislation with the view to constituting patent agents a sort of profession?—Yes, I am aware of that.

2245. Looking at the question from your point of view, as a man who has taken out patents and obtained registration of trade marks, do you consider it is desirable in the public interest to constitute the patent agents a separate professional body, with legislative privileges?—From the point of view of the public, I do not think that it is so very important that they should be a separate profession.

2246. But of course you recognise that from the patent agent's point of view it is desirable?—Quite so.

2247. Do I understand that from the trade mark agent's point of view you object to it?—From the point of view of the trade mark agents we are indifferent whether we are included or not. We only make the claim because these Bills would interfere with our business; but apart from that we are quite indifferent whether the profession is closed or not.

2248. If it is closed you say you should be included in it?—We say the doors should be opened to admit us before they are shut.

2249. And that you should be put on the register?—We claim that.

2250. Then the register having been formed (assuming that we come to that conclusion), how would you, so far as agents for trade marks are concerned, recruit the register; how should fresh agents for trade marks get on the register?—In the same way as patent agents. The examination in trade marks work is a part of the examination for the profession of patent agent.

2251. Therefore you quite recognise that the register should be recruited by tests in the shape of examinations?—I think so, provided the examination be made easier than it is at present, and that also they recognise the importance of trade marks, and do not relegate it to the category of a voluntary subject as they do at present.

2252. Have you had any opportunity of forming an opinion as to whether the present examination of patent agents is severe or not?—Undoubtedly I have. My assistant in the patent work is the youngest patent agent on the roll, and I had an opportunity of seeing his study before he sat last December. The questions which I saw then were, I am perfectly certain, more than ought to be asked of anyone.

Chairman—continued.

Mr. *Mather.*

2253. For a trade marks agent?—For a patent agent, not for trade marks. The trade mark questions were not so very difficult; it was a voluntary subject there. They need not have been answered at all.

Chairman.

2254. Then from what you saw of this examination which this gentleman went through, you consider that it was unnecessarily severe?—Unnecessarily severe.

2255. Did it deal with subjects which in your opinion it was unnecessary to deal with?—Well, it dealt with such a multiplicity of subjects, and the conditions under which the questions were put—that is, they had all to be answered in one week, sitting from morning to night—were such that it was really too much to be expected that any large number of young men could answer them successfully.

Mr. *Heywood Johnstone.*

2256. You have no personal knowledge yourself of how much of that paper had to be answered in order to pass the candidate?—I have no knowledge myself. I am only informed as to how it was.

Chairman.

2257. But the papers, generally speaking, you consider were of a very difficult and of an unnecessarily difficult character?—Exactly so; very difficult and unnecessarily difficult.

2258. And that opinion you express from knowledge of patent agency work and also from knowledge of trade marks agency work?—Yes, and from a general knowledge of manufactures.

2259. I suppose you will admit that it is desirable that there should be some organisation with regard to patent agents, and, if you like, trade marks agents?—Yes, I admit that.

2260. You think it would be desirable to apply some test as to their ability before putting them on a register and recognising them as patent agents or trade marks agents?—Yes, I recognise that; I admit that.

2261. Do you agree with the establishment and maintenance of a register for patent agents?—Yes, I agree with that.

2262. Agreeing with the establishment of a register and the desirability of examination, by whom do you think that that examination should be conducted?—Certainly under a Government authority; not quite the same, but similar to the Civil Service Commission examinations.

2263. But then these gentlemen are not civil servants?—No, but it should be certainly under the authority of the Board of Trade.

2264. But veterinary surgeons and dentists are not examined by any Government official; lawyers are not examined by any Government official; they are examined, as you know, under the authority and under the superintendence of a council representative of their various professions?—

Chairman—continued.

sions?—That is so, but I hardly think the cases are parallel. In the case of patents, designs, and trade marks, the Board of Trade has the control throughout. The appeals in both cases are to them. The Board of Trade at present is the judge.

2265. But it does not matter whether it is the President of the Board of Trade or any other Government official; what you suggest is that the examination should be conducted by a Government official as distinguished from what is proposed, namely, an examination under the control of a council representative of the profession?—That is so.

2266. Do you think that a Government official would conduct the examination better than a council representative of the patent agents, and, if you like, the trade marks agents in co-operation?—I do not say that.

2267. I believe that the examination as conducted under the authority of the Chartered Institute is not an unfair one. I simply think that there ought to be authority from the Board to hold it; the mere conducting of it may be left to them.

2268. Then you, on further consideration, think that there is no objection to allowing the profession to manage, to a certain extent, their own affairs with reference to these examinations?—Well, I think that there ought to be always an appeal from them by any candidate who is not allowed to enter the profession.

2269. An appeal to some public responsible authority, whether it is judicial or whether it is administrative?—That is what I mean.

2270. Then with reference to the discipline of the profession, I suppose you would have some authority to remove from this register the name of any person who misconducted himself?—Certainly.

2271. Therefore, you agree that it is desirable that there should be some disciplinary authority?—Certainly, some disciplinary authority to remove upon specific grounds.

2272. And subject to reasonable appeal?—Subject to appeal from the Chartered Institute, or whatever it is, to an independent authority.

2273. Patent agents are a known and, to a certain extent, a recognised body of men, although they are not organised, and confine themselves generally to patent work, and trade mark work, and work akin, do they not?—They do.

2274. Do you think it would be possible to associate in any way agents for trade marks with the patents agents?—Well, I think that, having regard to the fact that it is dealt with by one Act ——

2275. But are they such a distinct body as the patent agents?—They are not absolutely distinct; they overlap.

2276. Of course, there are a number of patent agents who do nothing else but take out patents and advise people with regard to patents?—That is so.

2277. But are there any trade mark agents who do nothing else but attend to trade mark business?—I believe there will be. There are one or two, and, in fact, that is their principal business. The patent work, although very considerable, is subsidiary to their trade mark business.

Chairman—continued.

2278. But you are an advertising agent; a large part of your business is as advertising agents, as I understand you to say?—That is so.

2279. Therefore, the trade mark work that you do is subsidiary or subordinate to that general business?—It is subordinate to that, but quite as important in its way.

2280. It is an important part of your business?—Very important.

2281. Supposing the patent agents were constituted a separate profession, you are opposed to giving them the exclusive right to transacting business, as agents, with the Patent Office?—We are.

2282. That is to say, you say you have been in the habit of acting as agents in connection with patents and trade marks, and you object to any legislation which would deprive you of carrying on the business you have hitherto carried on?—That is our exact position.

2283. And if there is any legislation which would have that effect, you ask that you should either be excepted from it, or that you should be included in some form within the arrangements proposed?—Precisely.

Mr. *Mather.*

2284. I understand when you speak of the two branches of this profession overlapping, you mean on the one hand that the patent agents now have power to take out trade marks; on the other hand that the trade marks agents occasionally take out patents, but that the trade mark agents really, as a whole, confine themselves to questions of trade marks?—As a rule they cannot describe themselves in any other way. That is the only business that they can push really.

2285. Therefore you would say, I presume, that they are a distinct class of professional men, distinct at least from patent agents pure and simple?—Well, the public does not recognise that altogether.

2286. The Act of 1888 of course does not recognise it either, for though it confines almost the whole of the description to patent agents, and describes the qualifications which are necessary for patent agents, yet it includes the functions of trade mark agent with the patent agents. The Act has not contemplated there being a separate class of persons altogether devoted to trade marks?—Quite so.

2287. That is the Act of 1888?—Quite so.

2288. Now, you said the examination instituted under the Board of Trade for the registration of a patent agent is an unnecessary examination for a competent and efficient agent to take out trade marks?—I mean that the patent agents have not recognised in that examination the importance of trade marks, because they treat the subject altogether as a purely voluntary one; that is to say, that a person can become a patent agent who absolutely knows nothing whatever about trade marks.

2289. But the object of my question was to ascertain from you whether you thought the examination instituted by the Board of Trade is too stiff an examination for persons who desire to be registered as trade mark agents?—No, it is not too stiff.

2290. You

Mr. *Mather*—continued.

2290. You referred just now to the papers presented to your assistant for examination a little while ago; you said he was the junior member on the roll of patent agents, and you said you thought the papers were altogether too stiff?—I referred to the whole series. Referring to the trade marks one, I say no. To him it was perfectly simple one, because he was so expert in trade mark matters that he would have been quite willing to have made it a compulsory subject; but it was a difficult one for the ordinary patent agent.

2291. You mean the examination was too difficult, and unnecessarily difficult, for any person desiring to become a patent agent?—The trade mark part was, and in fact the whole examination was throughout.

2292. The trade mark part was too difficult you say?—For an ordinary patent agent. If you put the question to me personally, the trade mark part of that examination was quite a simple matter for our young man to pass, because he had special experience in that. He came to our office to gain that experience which he could not gain in a patent agent's office; but the papers as a whole, taken from beginning to end, are unnecessarily severe.

2293. For a trade marks agent?—For a patent agent.

2294. Does that opinion arise out of a long experience of patent agency work?—Well, no; it arises out of experience of what I have been informed and what common sense would show me.

2295. Do you require, in order to become a competent trade mark agent, to have a knowledge of mechanics?—No.

2296. Do you require any knowledge of mathematics?—Not particularly.

2297. Or of chemistry, or of any of the natural sciences; do you require to know something of the manufacturing processes?—Yes, undoubtedly.

2298. To know something about the textile manufactures?—Certainly.

2299. Or the iron and steel manufactures?—Certainly.

2300. You require that technical knowledge to be a trade marks agent?—You do.

2301. Then I do not quite know the trade marks agent's duties in order to get a trade mark registered. Perhaps you will explain. Supposing I desire to put upon an article that I manufacture any definite mark, it may be the figure of an animal, or a mere name; why do I require to know how that particular article is made before I can register a mark that shall be stamped upon it before it is sold?—Well, you may require to register a word for woollen goods, or cotton goods. If you claim it for goods generally the comptroller will object; he will require to know exactly what kind of goods, and he may ask you to except certain particular kinds of goods from that class.

2302. But it all has to do with the manufactured article, which presents certain qualities, and for those qualities a trade mark is demanded?—Yes.

2303. You have to prove to the comptroller that that quality does exist?—Yes.

Mr. *Mather*—continued.

2304. And that it is novel, and on that ground you require a trade mark that the public may recognise the novelty and originality of that design or of the qualities of the article?—Yes.

2305. Does the agent who obtains this trade mark from the comptroller require to know how these goods are manufactured, beyond knowing that there is a certain special quality which he describes?—Well, he may not require to know the actual process of manufacture.

2306. Would an ordinary solicitor be able to take out a trade mark for anybody?—Well, we are consulted frequently by solicitors as to what ought to be done, even to the extent of litigation. A solicitor as a rule, when it comes to the litigating part, of course is perfectly at home, but as a rule, a solicitor does not know up to a certain extent how to proceed; I say as a rule.

2307. I think you said in answer to the Honourable Chairman that you thought the qualifications for the trade marks agent were necessarily higher from the nature of the two occupations, than those required for a patent agent pure and simple?—Yes.

2308. Do you mean that the man should have higher education and higher scientific attainments, and higher knowledge of manufacturing processes?—No, I do not say that. I say generally that the obtaining of a trade mark is a much more difficult thing than the obtaining of a patent, and therefore it requires much higher qualifications in that direction.

2309. Do you mean the intricate procedure before the comptroller of explaining to him and of making clear to him that you have a right to a special trade mark, that the explanations before him are of a more onerous character than are required in the case of an application for a patent?—That is my opinion.

2310. Then it is a matter of office work I presume?—No, you require to have a thorough knowledge of the trade of the country generally, and you must have a thorough knowledge of all the Acts relating to trade marks as a rule.

2311. Excuse me, that is the point you say: First, you must have a knowledge of the trade of the country generally, and then you say you must have a knowledge of the Acts relating to trade marks. I can quite understand the latter, that you must have a knowledge of the Acts relating to trade marks, but I do not quite see how a general knowledge of the manufactures of the country comes in?—Well, I can only express my own opinion that that is so as a matter of experience.

2312. The training to acquire this general knowledge of the whole range of manufactures must be a very long and severe and somewhat tedious training. How many years does it take to make a man proficient as an agent for taking out trade marks. How many years' experience would he require?—Well, a man may apply for trade marks at once, but to understand everything, to go into it thoroughly, requires at least five or six years, and then he may not be competent.

2313. You have heard, perhaps, or seen it in evidence, with regard to patent agents, that about seven years' service as assistant in a patent agent's office is necessary as a mere

Mr. *Mather*—continued.

matter of practice to qualify a man as a patent agent, and beyond that he requires this various knowledge connected with natural science and generally a liberal education. That is the claim the patent agents make for their own profession. You, as a trade marks agent, would say that the training for a trade marks agent must be quite as rigorous as that?—No, I do not say that.

2314. Then the knowledge is more easily acquired?—It depends entirely on the experience.

2315. Yes, knowledge does depend upon experience to a certain extent, but the application of knowledge depends more upon experience. So far as I can gather, without carrying this point any further, you would have no objection to be excluded as a trade marks agent altogether from the proposed Bills that are now before the Committee, but whatever Acts of Parliament are passed dealing with patent agents, Acts which may even allow patent agents to become even agents for trade marks, inasmuch as the greater contains the less, you would still like, as a trade marks agent, that anyone should be at liberty to become a registered agent for that class of work under the Board of Trade irrespective of these Acts altogether?—I do not say that; I claim that as we are practising as patent agents we shall be included for that as well,

2316. You mean therefore to insist upon this claim that a trade marks agent to all intents and purposes is a well-qualified patent agent?—I make that claim.

2317. Therefore you are willing to accept the examination which the general profession of patent agents would institute for their own profession as a qualification for trading as a trade marks agent?—Certainly not. We claim to be admitted on similar terms to what the majority of registered patent agents were admitted upon. We do not make a claim that we should be admitted because we have lodged one specification, but we claim to be admitted if it can be shown that we are substantially practising under the Act.

2318. That has been very properly defined by the Board of Trade, and therefore it is all past history now. We cannot go back on that. The Board of Trade instituted rules and regulations under which all those persons practising as patent agents before the passing of the Act could be included on the roll of patent agents on giving evidence that they had completed one specification for any person. Well, that is the least possible qualification for admission to the roll that now could ever be thought of. Therefore, all the trade marks agents would have to go through such a process in the future. If they have already practised to such an extent as to be qualified to get on to the register as patent agents were qualified to get on to the register, they might be entitled to it; but speaking of the of the future, which is what this Act of ours really has to deal with, the examination instituted for patent agents would have to be an examination also applied to those who simply intended to trade as trade marks agents?—That is not the view of those I represent, because the passing of an examination for a business which they already possess is contrary to all justice.

Mr. *Mather*—continued.

2319. But that is, as I say, past history. The process has been gone through, and therefore the trade marks agents could not now begin to make a claim which they did not make before?—It is not altogether past history, and we object to our practice at the present day, as patent agents, being taken from us.

2320. That could not be taken from you if you simply do what all the other patent agents are doing in order to become registered members of the profession?—There is an inconsistency I think in your mind. It requires thinking out a little more, but it is obvious that you must accept one position—if you intend to be a patent agent, you must show the general qualifications of a patent agent.

Chairman.

2321. You would contend, I suppose, that inasmuch as trade mark agents have been in the habit of taking out patents in the past, those who could show that they had taken out a patent in the past would be entitled to be put on the footing of those who, having taken out a patent, were allowed to be registered by the Board of Trade?—That is so.

Sir *John Leng.*

2322. Your firm, as I understand, act for large advertisers; that is to say, you contract with newspapers and other publishers for the publication of their advertisements?—Yes.

2323. And those advertisers are, many of them, interested in trade marks?—They practically all are.

2324. That is to say, the articles that are advertised are articles which they have found it desirable, if not necessary, to obtain trade marks for, so as to secure their interests in them?—That is so.

2325. And carrying on your advertising business, you have been requested by them, in their interest, to obtain trade marks, and to publish those trade marks?—That is so.

2326. This second or subsidiary business has grown naturally out of your principal business?—Yes.

2327. You are known to be a large advertising firm. Has this trade mark business become of considerable magnitude?—Very profitable; in fact one of the most profitable departments we have.

2328. What you wish to present before the Committee is that if either of these Bills were to pass in their present form, they would practically prohibit you from carrying on a business which you have lawfully conducted under present arrangements?—If these Bills were to pass as they are at present drawn, I would have at once, and the friends I represent would have to do the same, to intimate to such clients as we had been doing patent work for, that we could no longer do that, and the consequence would be that the suspicion would enter into the minds of those clients that we had been doing something that we had no right to do, and it would thereby begin to affect our trade mark business as well.

2329. Literally construed, do you think it might be contended that the designation patent agent also includes an agent for designs and trade

Sir *John Leng*—continued.

trade marks; or would you rather take the other view, that they could be separated?—Well, I can hardly see how they can be separated now. They are dealt with in the one Act, and the public can hardly recognise the difference between the one and the other.

2330. Then you consider that you have at present a valuable interest, or a vested right, in this business, and you object, more particularly so far as trade marks are concerned, to being deprived of that business by new legislation?—We object to that entirely.

2331. Your patent business has not been relatively so large as your trade mark business, but inasmuch as you have, along with your trade mark business, obtained patents for various individuals, you think that, taking one with the other, you should be recognised at the present date precisely as those persons were recognised by the last Act establishing a register?—That is our claim.

2332. That you have similar interests, and you think those interests should be protected?—Yes.

2333. While that is so, you do not object either to a register or an examination?—No.

2334. Always assuming that the control of the register and the control of the examination shall be in the hands of a body representing, and from your point of view representing not only the whole body of registered patent agents, but the whole body who would come on a register, including patents, designs, and trade marks agents?—That is our claim.

2335. And with regard to the examination, so far as trade marks are concerned, instead of depreciating that examination, you think that instead of being optional, it should be a compulsory examination?—It should be compulsory.

2336. Then on the whole I infer that while a previous witness has expressed his willingness that there shall be nothing in these Bills to affect the interests of trade marks agents, you would, if a just arrangement were arrived at, rather prefer that the business of trade marks agents should be included in an equitable measure?—If they have done patent work.

2337. That is, that if along with their designs or trade marks business they have been practising, although not describing themselves as patent agents, then they should come on the register and should form part of the general body controlling the profession hereafter?—That is our position.

2338. Will you explain why, when other agents applied to come on the register, your firm did not also at that time seek to be registered?—Well, the fact is that my firm did not observe the passage of that Act, and I find that I am not alone in that position. The recommendations of the Committee which sat previous to the passage of that Bill did not seem in any way to interfere with us or give any recommendation that we should be interfered with.

2339. I suppose at that time, which is some years ago, you were doing a much larger business in trade marks than in patents alone?—We were doing work in trade marks principally. The patent work has grown with that department.

Sir *John Leng*—continued.

2340. The one has grown with the other?—Yes.

2341. Your firm were not invited by anyone to come on the register or to join the Chartered Institute?—No.

Chairman.

2342. When did you find out that this Act had been passed, and that a register was being formed?—In the beginning of 1890.

2343. Why did not you then apply to be put on, on the ground that you had been taking out patents prior to 1888?—We had not been taking out patents prior to 1888.

2344. Then you are one of those who have got into the business of taking out patents, if I may use the expression, since 1888?—That is my position. Of course in the case of some of those I represent it may be different.

Sir *John Leng.*

2345. I forget whether you said there were 12 or 15 trades mark agents?—Fifteen of whom we have knowledge.

2346. I observe from the report which is issued by the Comptroller of the Patent Office that there is something like an average of 10,000 applications for trade marks every year. I presume a considerable proportion of those do come through London firms?—Yes, a very considerable proportion.

2347. You stated that you had in various instances acted in obtaining patents or trade marks for persons abroad.—For obtaining patents for residents in this country abroad, in foreign countries.

2348. That is, when British inventors desire their interests in foreign countries to be protected, you have acted as their agents?—That is so.

2349. The proposed legislation would also prevent you carrying on that branch of your bnsiness?—It would effectually stop it.

2350. You stated that in some instances the Patent Office here made verbal corrections in patents or applications for patents?—Yes.

2351. I happen to know in another connection, as representing the Chambers of Commerce, of a case in which I think your own firm were put to very considerable trouble because you had omitted a comma in the specification; I forget whether it was a patent or a trade mark?—A trade mark.

2352. And you were required to send out an official document all the way to Cuba and back again for the insertion of that comma?—That was so.

2353. A previous witness has stated that it is not desired to affect adversely the interests of designs and trade marks agents, but you are distinctly of opinion that, all things considered, it would be better, in any arrangement that is come to, that they should be included in it?—I think so.

Mr. *Nussey.*

2354. You have heard a good many of the witnesses state that the patent agents' profession was in a very deplorable condition. Do you find that

Mr. *Nussey*—continued.

that so in your case; that the members of your profession do not hold that high reputation that you would desire them to hold?—Well, we naturally wish them to hold as high a reputation as possible.

2355. The last witnesses with regard to the reputation of patent agents have all agreed that it leaves a great deal to be desired. Do you think the reputation of trade marks agents is in the same state?—Well, there has been nothing in trade marks agents to justify any interference with them so far as their competence and integrity is concerned.

2356. In their case legislation is not so necessary?—It is not necessary.

2357. Then you have described yourself as a trade marks agent who does patent work?—That is so.

2358. Are there any patent agents who also do trade mark work?—Oh yes, they all do that. They all take it if it is given to them. Their business in trade marks may not be large, but they do it. They all have the power to do it.

2359. The two professions run side by side?—They run side by side.

2360. Then do you think there ought to be a fee to admit any person on the register?—Well we as trade marks agents are really indifferent as to that. We have formed no strong opinion either way with regard to that specific point.

2361. With regard to the control of this examination, you would desire to have the trade marks agents' profession represented on the Examining Board, I understand?—Not necessarily; if they are provided for in these Bills they will become a part of the general body, and need not therefore be specially recognised. It was more to the examination paper that I referred.

2362. Do you think it would be desirable that the control of this examination for the future should be in the hands of the whole profession rather than a Government official?—No; I think that it should be supervised, at all events, by the Government, conducted perhaps by the profession, but with a clear right of appeal to the Board of Trade or other Government body.

2363. But what danger do you fear?—There is the general danger that the body itself may, by making the examination too severe, make the profession too close.

2364. But it has been stated here that in the last examinations 22 out of 28 passed?—Yes, in five years.

2365. Out of 28 candidates 22 of those have passed?—Exactly; of whom 15 are practising.

2366. That does not look as if it was a very stiff examination to-day. It does not look as if a very high percentage of marks was necessary?—That is not a sufficient number, in my opinion, to join the ranks of the patent agents in five years.

2367. You think others have been deterred owing to the severity of the examination?—That is my opinion—that they have been.

2368. Still those who entered for the examination were singularly successful?—Yes, but I am afraid that young men are deterred altogether from sitting.

2369. You think they are disheartened?—Yes.

Mr. *Heywood Johnstone.*

2370. I gather from your evidence that, speaking as an agent for the registration of trade marks you are quite indifferent as to whether there is a register of patent agents or not?—Speaking simply as a trade marks agent we do not desire to go on the register; we are absolutely indifferent.

2371. You are indifferent whether you go on it or not. Do you think there should be a register?—I think there should be a register.

2372. And you contend that you should be placed on that register because you have been doing patent work for the last five years?—That is so.

2373. Do you think that other trade marks agents who have been doing patent work should also be put upon it?—They should also be put upon the register.

2374. For the same reason?—For the same reason.

2375. The profession of a trade marks agent is an open one?—It is open.

2376. Anyone can embark on it?—Anyone can practise in it.

2377. Without any test of competency?—Quite so.

2378. Or even of conduct?—Quite so.

2379. And if it should be open to a trade marks agent who has been in practice as a patent agent, though he has not described himself as such to go upon the register without examination, should it not be equally open to any member of the public who has been in practice as a patent agent?—Yes, undoubtedly, if he has been *bonâ fide* practising as a patent agent.

2380. Do you concede that?—Yes.

2381. Then you simply carry the qualification in the Act of 1888 up to date?—Precisely.

2382. But supposing either of these Bills should pass Parliament in the present Session, you would insert a clause that "every person who proves to the satisfaction of the Board of Trade that prior to the passing of," one of these Bills "he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered without examination"?—That is so.

2383. Of course at the present time he is entitled to present himself for examination?—He is not entitled unless he fulfils certain conditions.

2384. There are certain preliminary qualifications; I was not speaking of those, but I understand that your objection to the examination is that you think it is too stiff?—I do.

2385. Would that objection be removed if the examination was diluted in any way and made easier?—Well, we object to being examined at all with regard to the business which we at present enjoy.

2386. What you have come to tell us to-day simply is, that you and the other gentlemen who have been *bonâ fide* practising as patent agents for the last few years claim to be put on any future register without examination, or any proof of qualification, except your actual experience during six years?—That is our claim.

Mr. *Alban Gibbs.*

2387. I do not know whether you have read it, but the Bill of the Society of Patent Agents says:

Mr. *Alban Gibbs*—continued.

says, "Every person who proves to the satisfaction of the Board of Trade that prior to the passing of the Patents, Designs and Trade Marks Act, 1888, he had been *bonâ-fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act." Now, I understand that if the words "Patents, Designs and Trade Marks Act, 1888," were to be taken out, and instead of them were inserted the words "prior to the passing of this Act," you would be completely satisfied?—That would meet our case.

2388. Should you prefer that, or should you prefer it to be left exactly as it is, that persons should not be prevented from acting as patent agents, provided that they did not describe themselves as such, or should you prefer the whole profession to be made into a close corporation, subject to the present people who are practising as patent agents being allowed to be registered?—Well, of course, we would be only too glad to be included in any monopoly of that description, but we do not make any claim to that effect.

2389. You will be perfectly satisfied also to be left as you are, I understand?—Quite so.

2390. Not being allowed to describe yourself as a patent agent, but practically doing the work of a patent agent?—We are perfectly willing to remain as we are. We do not want to be interfered with in our legitimate business.

2391. With regard to the examinations, I did not quite understand on what ground you said that they were too difficult. You spoke of the multiplicity of subjects, but surely the multiplicity of subjects is a great advantage to the person who is examined, provided he is not expected to pass in them all, because he can select what subjects he does know and answer them. For instance, it must have been a great advantage to your assistant to be able to take trade marks which he thoroughly understood, and by which he could thereby show a great deal of knowledge, which he would not otherwise have been able to bring out. I see Mr. Lloyd Wise says in his examination, "The paper embraces a considerable variety of subjects, so that it gives a candidate a fair chance of finding some subjects in it with which he is acquainted." It seems to me that it is a great advantage to have as many subjects as possible, provided that you are not expected to answer in too many of them. If you only examine a person in one subject, it may be a subject that he does not know at all. For instance, if you examined a patent agent only in mechanics he might have been studying chemistry much more?—Yes; I do not suggest that there should be any selection of subjects, but I referred to the whole examination and the conditions under which it is held, sitting from the beginning of the week to the end of it every day.

2392. That is tiring, but surely a professional man ought to be able to work all one week without much inconvenience?—Well, as to the questions that have come before me, I am perfectly certain that not 10 per cent. of the present registered agents could answer them.

2393. You said also that people had been deterred from coming; do you know many in-

Mr. *Alban Gibbs*—continued.

stances of people having been deterred from entering upon this examination, because it has certainly been shown that most of the people who have entered upon it have succeeded?—I only make that remark because on comparing these questions in other professions they seem to be unnecessarily severe upon young men. The questions extend over every subject possible, and it is an absolute impossibility that the average young man could answer them all.

2394. But it is not impossible that he should know a sufficient number of them to pass?—Well, even that is not exactly the case, because there are certain compulsory subjects in the questions, and unless you obtain an A mark in those you fail altogether.

2395. In a certain number he has to get that, but not in any particular subjects. As far as I remember Mr. Lloyd Wise's examination, I do not think he said there was any given subject in which you had to obtain an A mark. I think he said you had to obtain a certain amount of A marks over the whole paper. However, I do not think I need press that matter.

Chairman.

2396. I will just ask you one or two questions. With regard to the fees for examinations and for keeping the register, would you object to a reasonable fee being imposed to pay the costs of holding these examinations?—Oh, certainly not.

2397. Would you object to a reasonable fee being imposed to enable the register to be properly kept, so that it should not come as an expense upon the public?—Certainly not. I would not object to that.

2398. With regard to the agents for trade marks, are we to understand that you represent especially the gentlemen who practise in London in obtaining registration of trade marks?—In London; 15 of them.

2399. Do you consider that you represent the principal people, that is to say, the people of the most business in that work of registering trade marks?—Certainly.

2400. Do you think that you are representative of the general body of agents throughout the country who obtain registration of trade marks?—I have every reason to believe that they would share my views.

2401. Do you suggest that it is necessary to take any further evidence from the points of view that you have put before us?—I do not think it is.

2402. There is only one other question, and that is with regard to the examinations. I understand you to suggest that if there is a close corporation, if I may use such a term, the examination to admit to it may be made so stiff as to be really the means of keeping people from the profession, and so closing it and increasing the monopoly. That is what you suggest?—That is the feeling we have at present.

2403. That is what you mean?—Yes.

Mr. *Mather.*

2404. Are you aware that the examination hitherto held, at any rate in science subjects, for candidates coming up before the examining board, are not of any higher quality or stiffness

Mr. *Mather*—continued.

than a school-board pupil would be able to pass who was in the Standard VII., or the X. Standard of the Elementary Code?—I am not aware of that. I do not say that any one of the examination papers is stiff in itself. If any person were going up for a science examination for chemistry, the questions that he would have to answer are quite within what he might be expected to be able to answer; but if that examination paper is put along with a dozen others and one man is expected to answer the lot, then it is such a combination that makes it too much.

2405. You have not got a dozen others. In the first place there is "Interpretation of specifications and drawing;" you would require that as a *sine qua non* for any man attempting to take out a patent?—I should rather refer to the questions themselves, because of the way that they are put. It is not the subjects so much as the questions themselves.

2406. The quality of the questions in the subject, you mean. Then the next subject is "Patent practice and procedure: Foreign Patent Laws;" that is optional. "Statutes now in force relating to Patents;" that is not a difficult subject. "Case law;" that is, of course, easily got up. "The laws and practice relating to designs and trade marks;" that, of course, you would consider as an absolute necessity, and that that was easily complied with. Then, "Applied mechanism: Electricity, Chemistry, and Heat," both optional subjects. I think you have rather over-rated the magnitude of this examination. It does not appear to me to come at all within the meaning of the term "stiff or difficult" for an ordinary well-educated youth. However, there is one point I should like to bring out. At this moment are you aware that under the Act of 1888 you are not a patent agent at all?—I am not a patent agent by the Act of 1888.

2407. You are really not a patent agent?—At the time of the passing of the Act of 1888 I was not.

2408. And you are not since?—I am an agent for obtaining patents practising.

2409. But in the eyes of the law, at the present time according to this Act, you really are not recognised as a patent agent?—Quite so; I am not.

2410. You began to practise, you say, after the Act of 1888 was passed?—In patents, not in trade marks.

2411. I am only speaking of patents, because of course your trade-mark business is perfectly clear and intelligible?—The term "patent agents" has been undergoing a change during these five years.

2412. In the Act of 1888, which I hold in my hand, a patent agent is defined as a person who should be registered before he could be a patent agent, and before he could be registered he must have done certain things. When you entered on the practice of an agent for the taking out of patents you were quite aware there was an Act of Parliament controlling that profession, and therefore it would have been very simple for you to have at that time qualified?—But I was not aware that that Act had passed.

Mr. *Mather*—continued.

2413. I am afraid no one else can be blamed for that but yourself. The profession is governed by law in a certain way, and under the qualified terms of this Act, and if you are going into the profession you naturally ought to know what you have to do before you can become qualified. Therefore no one is to blame on that point, I think, but yourself. Up to date you are not a patent agent?—I am not a patent agent.

2414. As defined by the Act of Parliament?—Quite so; but I may explain that that Act did not prevent my practising. That business has not been sought by me. It has been brought to me.

2415. Quite so; I am not questioning your ability in any way to take out a patent. Of course I have no right to do that, and I do not believe that any one of the honourable Members would insinuate that you are not just as capable to take out a patent as any gentleman in this room, who may be promoting one of these Bills; but I want to elucidate some information from you so as to guide us in our final decision on this particular point. You represent, as I understand, a body of men who came into the profession after the Act of 1888 was passed?—I cannot answer for everyone.

2416. I thought you said a little while ago you represented those who had joined the profession since the Act passed?—No, I did not say that. I represent trade-mark agents who are practising as patent agents.

2417. Who are not, therefore, registered patent agents?—Precisely. But my point was that there may be in our number a certain number who had really taken out patents before 1888.

2418. And therefore who were qualified. If they had cared to apply they could have got on the register, of course, and could now if they showed that they were practising, I presume, before the passing of the Act. But taking your own case, and those you represent, if, as the outcome of this inquiry, an Act of Parliament were passed constituting a certain body as an examining body, or controlling body, for the registration of patent agents in the future, would it be agreeable to you, as one of those at present unregistered, to come upon the new register under a simple inquiry on the part of that body into your practice as an agent for taking out patents; and if the members of that body were satisfied that you had been practising as a *bonâ fide* patent agent, though not on the register, that they should put you on the roll of patent agents, and so constitute you in the future a registered patent agent; would that satisfy you; you understand I suggest no examination, but a mere inquiry as to your antecedents in the practice of taking out patents?—We should be quite willing for the Board of Trade to make such an inquiry.

2419. I am not speaking of the Board of Trade. Whatever the Act may constitute, a board of control or an examining board, or a board of discipline, whatever it may be as the outcome of these Acts, you would not regard it in any way as a grievance nor a trouble to yourself to apply to the board to be put on the register, and to answer just such simple questions with regard

to

Mr. *Mather*—continued.

to your practice which the Board may put to you?—Well, we have no objection to that course provided there is an appeal from it.

2420. Of course, both these Acts contain the power of appeal. If there is any sense of injustice on the part of an applicant for admission to the register, and injustice is done to him in connection with that transaction, there is the power of appeal. That you may accept, I think, as an absolute fact, but I am now limiting my inquiry to the mere question how you, and those who, like you, have not yet become registered, might become registered under a new Act which placed the control of this matter entirely in the hands of a properly and duly elected Board representing generally the profession. Such a simple inquiry as to your antecedents and as to your practice would not be regarded by you as an ordeal of any severe character?—Certainly not. We would invite such inquiry.

2421. And if that were made the qualification of getting on the register you would be willing to accept this condition?—Certainly.

Chairman.

2422. That is to say, you would ask I suppose for the same conditions that were imposed upon patent agents in practice before 1888?—Well, we should not object even if it were a little more difficult.

2423. Do you know what was required of a person who claimed to be a *bonâ fide* patent agent practising as such before 1888?—It was one specification.

2424. It was carrying through one complete specification and obtaining a patent?—I believe that was it. We should certainly claim to be placed on the register under the same conditions.

Sir *John Leng.*

2425. With reference to the suggestion of my honourable friend, it possibly might be met by a certificate from the Comptroller of the Patent Office, you would not object to that, I suppose, as knowing that you had been engaged in this work?—Well, that would not altogether meet the case, because there might be certain of our members who had done a large business in foreign patents of which the Comptroller had no cognizance.

Sir *John Leng*—continued.

2426. Without any undue leaning to the 15 trade marks agents in London you represent, are you prepared to say that in your opinion, in point of intelligence, attainments, probity and character, they are not inferior to any average 15 of the patent agents who went on the register under this Act?—I most decidedly claim that.

Mr. *Nussey.*

2427. You say it was in 1890 that you found out that the Act of 1888 had become law?—It would be the beginning of 1890.

2428. What made you find it out then?—Just a general knowledge, as I was bound to read up the Act in connection with trade marks. With the growing business, I was bound to make myself master of the whole Act. It would be the bringing of a patent to us about that time, which would naturally lead us to read what the Act said.

2429. It was probably owing to some patent which was brought to you which made you refer to this Act and discover that you ought to have been registered and that it would have been advisable for you to have been registered?—Precisely. We knew at that time that we could not describe ourselves as patent agents, but when a patent was voluntarily brought to us, then naturally the Act was read to see how far we could do such a thing.

2430. You said that the patent agents always received some assistance from the officials of the Patent Office, which assistance was not given to trade marks agents?—Yes.

2431. I suppose in the case in which you had to send this document to some distant part of the world for the insertion of a comma, if that had been a patent agent affair, the officials would have put in the comma for them?—Yes.

2432. That is the kind of assistance you refer to, I suppose?—That is the kind of assistance.

2433. No farther than that?—Well, a little more than that, but that is the kind of assistance.

2434. But not any material assistance farther than that?—Well, you can refer to the evidence that has been given so far, and the complaints that have been made with regard to the assistance that the Patent Office renders to applicants.

Sir H. READER LACK, called in; and Examined.

Chairman.

2435. YOU are the Comptroller General of Patents, I believe?—Yes, of the Patent Office.

2436. Referring to the evidence that you gave before the Departmental Committee in 1885 and 1886, have you anything to say to us in addition to what you said before that Departmental Committee on the subject of our inquiry to-day, I mean of your own motion?—Well, at the moment I do not recollect anything.

2437. I see that the suggestion for establishing a roll of patent agents was not made by you the first time you gave evidence?—I really have almost forgotten that.

Chairman—continued.

2438. The suggestion arose from a question put I think to Lord Kelvin, and it was taken up afterwards, and you were asked some questions about it when you came up to give evidence finally?—Yes. It was a long inquiry.

2439. You were in favour of establishing a roll of patent agents?—Yes.

2440. And you are still of that opinion?—Yes.

2441. Can you tell us about the proportion of patents that are obtained by patent agents as against the number of patents that are obtained by

Chairman—continued.

by individuals without the assistance of an agent?—Well, I had a statement prepared some time back which will give you the proportions.

Chairman—continued.

It is only for a short period of three-quarters, but affords a very fair average. (*The Witness handed in the following statement.*)

DATE.	Provisional Specifications left by			Complete Specifications left by			Provisional and Complete Specifications left by		
	Registered Agents.		Applicants, &c.	Registered Agents.		Applicants, &c.	Registered Agents.		Applicants, &c.
	Chartered.	Others.		Chartered.	Others.		Chartered.	Others.	
1893.	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*
January–March -	1,554	2,209	1,628	1,300	1,173	446	2,854	3,382	2,074
April–June - -	1,493	1,981	1,618	1,402	1,123	409	2,895	3,104	2,027
July–September -	1,393	1,770	1,592	1,339	1,141	451	2,732	2,911	2,043
	Per-centage.	Per-centage.	Per-centage.	Per-centage.	Per-centage.	Per-centage.	Per-centage.	Per-centage.	Per-centage.
January–March -	29	41	30	45	40	15	34	41	25
April–June - -	29	39	32	47	39	14	36	39	25
July–September -	30	37	33	46	39	15	36	38	26

Mr. *Mather* suggested that an additional table should be handed in showing the number of applications by registered patent agents as compared with the applications by applicants themselves and other agents.

Chairman.

2442. Have you anything to say to us with regard to your experience of the respectability of the agents who come before you and practise in the office?—Well, I should like to be able to recommend anyone who is on the list of registered agents which is rather a difficult thing to do sometimes.

2443. As to their competence, what do you say?—As to competence, it is a very difficult thing to speak in patent matters, because if you take such a simple thing as a safety pin, almost anybody might put that in and pass a patent for that, but as regards complicated chemical processes or complicated mechanical patents, it requires a very skilled agent no doubt.

2444. You do not recommend the Committee to advise Parliament to make this profession a close profession so as to exclude persons coming to the office about patent business, and acting as patent agents, who are not registered patent agents?—That would hardly be within my province.

2445. Is there any incompetence on the part of agents of such a general character as would justify such an action as that?—I can hardly say offhand what is the proportion, there is some, no doubt. There are some specifications which are very badly drawn.

2446. What is the work that a patent agent does in connection with your office?—His chief duties are to draw the specification properly, so that it may stand the test of a legal action, and to make searches to see that the invention

Chairman—continued.

has not been anticipated. I think those are the chief duties, and of course with the present number of specifications which have accumulated, we have, I suppose, nearly a quarter of a million in round numbers, it is a very difficult work to search.

2447. You hold a sort of court at times; I believe?—I hear the oppositions to grants, I sit as a court of first instance, with an appeal.

2448. Do the patent agents appear before you as advocates?—Yes, as well as counsel.

2449. Who instruct counsel?—I suppose the agents.

2450. Then the counsel act upon instructions direct from the agents without the intervention of any solicitor?—I think so. The agents are generally present with the counsel.

2451. In any important case I suppose counsel are engaged to argue the matter before you?—In the important cases, but in some agents only.

2452. Are you in favour of an examination of a scholastic and also of a technical character for patent agents?—A technical education, certainly.

2453. A certain technical education?—Yes.

2454. But I suppose it would be very difficult to establish an examination which would cover the wide range that the patents extend over?—Yes, we have a technical examination for the examining staff of the Patent Office, but the principal examinations are either in chemistry or mechanics and some special subjects.

2455. You put your examiners through some examination?—Yes, they are all examined.

2456. They are, I suppose, examined by the Civil Service Commissioners?—Yes.

2457. You are in favour, as I understand, of the establishment of a roll of patent agents?—Yes.

2458. And

Chairman—continued.

2458. And you think that roll should be recruited by examination ?—Yes.

2459. And would you prefer that the examination should be conducted by the profession rather than by yourself or some Government official ?—Yes.

2460. You think it is desirable that there should be a disciplinary body to sit in judgment on any patent agent who misconducts himself ?—Yes, I do.

2461. With power, subject to appeal, to remove him from the roll ?—Yes.

2462. Do you know the nature of the examination that the Institute has been imposing upon candidates ?—No, I have not examined it carefully.

2463. You are not prepared to give us any evidence on that subject ?—No, I am not. I have seen it in the rules, but it does not really affect me.

2464. Now, in the interests of the public, looking at it purely from a public point of view, do you consider that it is desirable that a profession of patent agents should be created ?—Yes, I think so.

2465. Of course the patent agents would desire the profession to be established, and of course made as close a corporation as possible. That naturally would be their professional interest ?—Yes, but I think it is in the interest of every inventor to employ an agent if he can afford to do it.

2466. Because he has the benefit of trained and experienced people to advise him ?—Yes. It is not an easy thing to draw a specification, as you probably are aware.

2467. Therefore, you consider that in the interest of the public it is desirable that the necessary powers should be conferred upon some authority to regulate the profession and efficiently control the roll or register and to exercise discipline ?—Yes, I think so.

2468. Have you considered the question of fees to be charged with reference to the examinations and to the maintenance of the rolls ?—No, I have not.

2469. Of course it would not be necessary to impose more fees than would be sufficient to pay expenses ?—No.

2470. Of course you would recommend, I suppose, that there should be some appeal from the decisions of the disciplinary body if the disciplinary body were appointed by the profession ?—Yes.

2471. Who should constitute that appellate tribunal ?—I should think the High Court.

2472. You would suggest that the Act should lay down offences for which a man should be removed from the register, and that if the disciplinary committee removed him he should have a right of appeal to the High Court of Justice ?—I think so.

2473. In the same way that solicitors have a right of appeal from the disciplinary committee at the Law Institution ?—Yes, I think so.

2474. You do not go so far, do you, as to recommend the Committee to advise Parliament to prohibit anyone from acting as a patent agent who is not a registered patent agent ?—No.

2475. Therefore you would establish the pro-

Chairman—continued.

fession without giving it any monopoly ?—I should think that no one ought to practise as a patent agent without he is registered. He ought not to be allowed to put up that he is a qualified person to act unless he has been registered.

2476. Would you carry the prohibition further than the Act of 1888 has carried it ? You see the Act of 1888 says that no man who is not on the register shall knowingly describe himself as a patent agent ?—Yes.

2477. Would you carry legislation further than that ?—I have not considered that point.

2478. Because, you see, these Bills propose not only that a man shall not describe himself as a patent agent, but that he shall not describe himself by any other term which will imply that he transacts business connected with the Patent Office. That is what it comes to ?—Yes.

2479. Would you go as far as that ?—Well, I can hardly answer on that point at present. I should like to consider it.

2480. Do you think that many persons whom, on the ground of public interest, it is desirable to protect, do go to dishonest and incompetent agents, and are misled, and badly advised, and waste their money in connection with applications for patents ?—We have, numerous cases brought to our notice at the office of people who have been misled by persons professing to be patent agents, or conducting patent business.

2481. Persons holding themselves out as patent agents, or only persons who are voluntarily advising ?—Some few of them are registered patent agents.

2482. Are any of them members of the recognised bodies—the Chartered Institute or the Society of Patent Agents ?—That I hardly know.

2483. I understand that a patent agent considers it his duty when his advice is sought to consider whether the invention is fairly the subject of an application for a patent ?—Yes.

2484. And whether there is a reasonable probability that good will result to the inventor from it ?—Exactly.

2485. And to advise the inventor ?—To advise him not to proceed in cases which he does not consider worth going on with ; without making some examination into the documents, I could not give you the proportion.

2486. You must see a large number of these cases. What is the impression made upon your mind ?—There are a certain percentage ; but I cannot say exactly what.

2487. If there was very extensive dishonesty or extensive incompetence, you would have letters from dissatisfied, and disappointed and justly complaining people ?—Yes ; we have from time to time.

2488. Do you have very many of those ?—I do not know. It would only be by dozens ; I do not think you could count them by hundreds.

2489. Dozens in the course of a year ?—Yes.

2490. Not more than that ?—I think not.

2491. What is your own impression ; do you think there are many cases where men are led on to waste their money, or where they get valueless

Chairman—continued.

patents through the advice of an agent?—That is a very difficult question to answer, because the inventors themselves are often so persistent that you do not know whether it is owing to the fault of the inventor, or the fault of the agent. Every man will tell you he has got something worth patenting.

2492. Then you think the opinion expressed by one of the gentlemen here as to the shady character of a good many patent agents is rather an extreme opinion?—I can hardly say the proportion. There are numerous complaints certainly, but I have no statistics to be able to give you an accurate account without making inquiry; it is very difficult to make a guess.

2493. It is, of course, very difficult to make an inquiry of that kind?—Yes.

2494. It was rather suggested that there were a good many patent agents who were not very creditable members of the profession, and I was asking you whether you did not think that that was perhaps taking a strong view of the situation. One of these Bills, and in fact I think both, contains a provision that it shall not be lawful for you to receive any document relating to an application for a patent, or to the amendment of any specification if such document be signed by any person or persons other than the applicant or applicants, or a registered patent agent. You do not approve of that?—I would hardly go so far as that.

2495. That is to say, what you say is, you would establish the profession, you would give the profession all the advantages of professional association, a roll, examinations relating to the roll, and powers of discipline, but you would not preclude other persons from doing the work that is done by the profession?—Not at present, certainly.

2496. Would you go so far as to prohibit a person doing patent agents' work from recovering remuneration unless he is a registered patent agent?—I think, certainly, a man ought not to be entitled to practise unless he is qualified.

2497. If he does practise without being qualified you would not give him a right to recover fees or remuneration for what he has done?—I suppose that would only be fair.

2498. That would operate to establish the profession, would it not?—Yes.

2499. And it would not have the effect, exactly, of creating a monopoly?—No.

2500. For what offences would you remove a man from the roll, of course, for dishonesty?—For dishonesty; yes.

2501. That is a criminal offence. As to unprofessional conduct, would you extend the jurisdiction to that; and if so how would you define that?—I should ask to be allowed to consider that point.

2502. With regard to fees to be charged by patent agents, do members of the Chartered Institute charge higher fees than the other registered patent agents?—Do you mean to the public.

2503. To those who employ them?—I have no means of knowing what fees are charged except in the case of those agents who advertise certain amounts.

Chairman—continued.

2504. You refer, of course, to people who advertise to get protection for patents for ridiculously small sums?—Yes, for a certain fixed sum for the patent.

2505. In fact, for sums for which they cannot honestly get the patent?—Yes.

2506. Sums which are much less than the patent costs them?—Yes. The cost depends a great deal upon the length of search. If a long search has to be made the patent agent must be paid for his time as well as for his ability.

2507. Have you heard any complaints of the extravagant charges of patent agents, either belonging to the Chartered Institute or Society or not connected with either of those bodies?—Not many.

2508. Would you recommend any scale of remuneration being established for patent agents, as of course you know there is with reference to solicitors?—I hardly think it possible, the variety of invention is so great.

2509. You would leave a patent agent to recover what a jury thinks his services entitle him to?—Yes.

2510. With reference to the keeping of the register, are you satisfied with the way in which it has been kept by the Chartered Institute?—Yes.

2511. Would you prefer a body representative of the profession, whether the Chartered Institute or any other body, to keep the register or to have it kept at the Patent Office?—I should rather not have it kept at the Patent Office.

2512. Have you been through these Bills carefully?—Not carefully. I looked at them some weeks ago when they first came out.

2513. Will you oblige the Committee by looking through them carefully, and if anything occurs to you upon them giving us the benefit of your opinion?—With pleasure.

2514. With regard to trade marks as distinguished from patents, you were in the room, I think, when the last gentleman gave his evidence?—Yes.

2515. Do you agree with him as to the importance of a trade mark agency as against or in comparison with a patent agency?—No, I think he rather mistook the point. It is necessary in dealing with trade marks, if you are to deal with them accurately or properly, that you should be acquainted with the customs and usages of trade, so as to know what sort of mark is used. For example, a very different mark would be used on a bar of iron from that on lace or any fine article. You want to know what marks will suit each trade; but beyond that, with an ordinary education, and an acquaintance with trade mark law, I do not think it is at all necessary to pass any very stiff examination.

2516. Do you think it is necessary to pass any very stiff examination for a patent agent?—Yes, I think so.

2517. You think a superior class of examination is necessary for the work of a patent agent to that of a trade marks agent?—Yes, I think so.

2518. Do you think it would be desirable to combine, or associate in any way, trade marks agency

Chairman—continued.

agency with patent agency?—I think, if you had a register, it should be a separate register.

2519. If fresh powers were given, and an effective supervision and control were established with regard to this profession, a separate register would be difficult to keep, would it not?—Would it not be possible to keep one register divided into two sections.

2520. Up to the present time patent agents have been doing trade mark work, and trade marks agents seem to have been doing patent work?—Yes. On the one hand, the majority of the work would be on the patent side, and on the other hand, on the trade mark side.

2521. If the profession were constituted, and an efficient register established, you would have to open the register so as to put on all those persons who were earning their living down to the present time, would you not?—Yes, I suppose so, following the example of 1888.

2522. And having done that, and given public notice, so that all persons who had a right to be on the register could come and claim to be on, you might close the register, and then admit only after examination?—Yes.

2523. Unless you opened the register so as to admit all persons who were earning their living down to the present time, you would hardly be justified in closing it for the future, would you?—That has always been the difficulty, the starting of the new list.

2524. It appears that there are agents who were in practice before 1888, and there are gentlemen who have done agency work since 1888?—Yes.

2525. If you were to have an efficient register properly kept, and you were to surround the profession with privileges and advantages of a professional character such as they ask for, you could not very well exclude anybody who was earning his living at the present time?—No, I suppose not.

2526. Are you prepared to say that the Chartered Institute is or is not representative of the better-known members of the profession, and those who have the largest practice?—I believe it is; but, as you are well aware, in all professions there are some people who object to join any body; they may be some of the best agents, but for some reason or another they do not wish to join; perhaps they do not approve of the scheme.

2527. I suppose most of the principal patent agents, who have the largest businesses, and of highest standing, are members of the Institute?—Yes, that is so.

2528. But there are men equally respectable and capable who are not members of the Institute?—There are some outside, a few.

Mr. *Mather.*

2529. The opinions you have expressed as to the qualifications necessary for constituting a trustworthy patent agent, I presume, are not new; you have held those opinions for a long time?—Yes.

2530. I notice in your evidence before the committee of inquiry in 1886 you confirmed the statements of Sir William Thomson as regards

Mr. *Mather*—continued.

the importance of the calling or profession of a patent agent?—Yes.

2531. You then said that you agreed with Sir William Thomson that it was desirable to have an authorised class of patent agents?—Yes.

2532. That, I presume, was an opinion given, not simply in the interest of your own Department, to facilitate your own work, but an opinion given in the interests of the public generally?—Certainly.

2533. Since the passing of the amendments to the Patents Acts, in recent years has it appeared to you that the qualifications for patent agents have somewhat risen in their importance, owing to the number of specifications presented, the number of patents applied for, and the intricacy of the subjects which form the subject-matter of the patents?—Yes, certainly; it is as important as ever.

2534. Do you think there has been any particular change; any growing importance as to the status of a patent agent?—I should think so, with the increased work.

2535. The margin for fertility of invention is not as large to-day as it was 15 years ago, of course, although there is no finality about these matters?—No.

2536. The number of specifications existing, either in the form of provisional or final, I presume, do bring up a crop of obstacles to would-be inventors, and the truly qualified patent agent ought to be a man who can have in his mind some large acquaintance with things that have gone before similar in character to those which may come before him to-day?—Yes.

2537. You feel, therefore, that a stimulus might be given to the profession to obtain these higher qualifications as time goes on by making the body a corporate body of a professional character, something like the solicitors?—Yes.

2538. That, I take it, is the result of your evidence as given in 1886?—Yes, as far as I recollect.

2539. And you confirm that to-day?—Yes.

2540. From your experience as Comptroller, you say that the work of the Patent Office itself is facilitated by having the specifications presented to your Office in as complete and correct a manner as possible?—Yes.

2541. Therefore, in the interests of the public as well as in the interests of your Department, you think it is important that all specifications should be presented by these duly qualified persons?—It would be a great advantage to everybody, certainly.

2542. Would not those who presented you with their documents through themselves alone, or through persons not duly qualified by having become registered, be at a disadvantage?—We have to do a great deal more for the applicants in those cases.

2543. Therefore it is a distinct disadvantage if a specification is presented to your Department by persons not duly experienced and having proper knowledge of the drafting of specifications, and of the procedure necessary for taking out a patent?—Yes; and not only in the application, but those applicants would be unable to understand what you required in the alterations.

2544. Therefore, while on the one hand it

Mr. *Mather*—continued.

would appear to create a monopoly, in a certain sense, to ask your department not to recognise any application which is not made either by the applicant himself or by a duly qualified registered agent, yet you are protecting the public and the inventors from themselves by inducing them to go to a registered qualified agent before they come to you?—Yes; the whole difficulty is in the case of the poor inventor who says he has not any money to pay anybody.

2545. The poor inventor would be the applicant himself, and no Act would contemplate preventing the poor inventor coming to you. I am only speaking now of the intermediary. In answer to the honourable Chairman's question, you just now, as I thought, intimated that you could not go so far as to say that you would debar the poor inventor from employing an agent not qualified to do the work as well as a qualified agent?—I mean not qualified as a patent agent, that is to say, he might be an engineer, or a mechanician, or a chemist. I mean a skilled man.

2546. How can you make any distinction between the mere carpet-bagger who comes for a job, and tells the man that he will get it done for 5*s.*, and the skilled engineer who comes on behalf of his friend. There is no protection to the public in that opening being so left, is there?—No.

2547. These intermediate persons cannot be examined by you, and you have no right to put any questions to them?—No; I know it is an extremely difficult question.

2548. Apart from the question of the fear of creating a monopoly, putting that out of mind for the moment, would it not be a good thing on behalf of the public and on behalf of your Department, that only those should present you with specifications who were duly qualified according to the law as it has been or may be established, and the applicant himself?—Yes, it would be an advantage certainly.

2549. And an advantage all round?—All round.

2550. In relation to this question of trade marks, you have heard one witness declare that a higher education and higher qualifications are needed to become an expert and efficient trade marks agent than to become a patent agent. Do you agree with that?—No, I should think not.

2551. You have intimated that the knowledge of the manufacture which such a person, a trade marks agent, would require, is limited to the power of discrimination as to the appropriateness in putting a certain trade mark on a bar of iron or steel and another trade mark on a piece of cotton goods, or something of that kind?—Yes.

2552. So that, for instance, if a piece of cotton goods contained a portrait of Mrs. Langtry it would be inappropriate to put that on a bar of steel?—Yes.

2553. That is the sort of knowledge a trade mark agent requires?—Yes.

2554. That leads you, I presume, to give the recommendation which you did give just now, that a separation might be kept up between the register for trade marks agents and the register for patent agents?—They might, perhaps, both be put on the same register for each branch separately, after passing a special examination. I do not know whether that would be possible. They might pass one for patents and another for trade marks.

2555. Do you think that a duly qualified patent agent, having the qualifications such as you know them from your experience to be, would always be qualified to take out a trade mark in your office?—I should think so.

2556. Would an agent who takes out a trade mark, as a rule, bearing in mind the knowledge that he requires to take out a trade mark, necessarily be a person who could take out a patent?—Not necessarily, I should say.

2557. In the one case, therefore, the greater covers the less?—Yes.

2558. And in the other case the less is not equal to the greater?—No, he might have sufficient knowledge, but it would not be necessarily so.

2559. You would predicate of a patent agent that he must have sufficient knowledge to take out a trade mark?—Yes.

2560. Whereas you could not predicate equally of a trade marks agent that he could take out a patent?—No.

2561. Therefore it would not be difficult to arrange a register by which a trade marks agent, who did not care to qualify as a patent agent, could qualify as a trade marks agent?—Yes, A and B.

2562. The B's would be the trade marks agents, and the A's would be equal to A and B together?—Yes.

2563. Is it your experience in, say, the last 10 years, that the applications for patents have increased year by year very much; is it a growing quantity?—Yes.

2564. It is moving on regularly?—Yes.

2565. It is a fact, is it not, that the Patent Office does not pretend to examine into the subject matter of a patent, except for the purpose of discovering its priority; whether it touches upon any prior claim in any other patents?—No, we do not examine for novelty.

2566. Therefore, the granting of a patent by your Department is not an indication that either the specification itself was properly drawn in a legal point of view or that the subject matter of the patent is novel?—No.

2567. Consequently the inventor has no assistance from the Patent Office in relation either to the perfect legal form of his specification or as to whether the subject matter of the patent was worthy of a patent or not?—We have to see that the application is in due form, in certain forms.

2568. In due form for your department?—Yes.

2569. But not in due form for the purpose of meeting a possible charge of infringement?—No.

2570. That you never take any cognizance of?—No. It is granted at the risk of the applicant.

2571. It is no part of your duty to examine for the risks, or to point out the risks to him?—No, not as to novelty, certainly.

2572. The only person who can possibly protect the inventor, who to my knowledge is a man who knows very little about law, and who, as a rule,

Mr. *Mather*—continued.

rule, knows very little about novelty; the only protection he has for his pocket and time is that some competent person should advise him, in the first instance, when he begins to formulate his ideas?—Yes.

2573. The introduction of the patent agent becomes more and more important, according to the number of persons applying for patents, in order to exercise that protection towards them which will enable them, at any rate, to spend their time and money to a profit?—Yes.

2574. And from that point of view the patent agent is, therefore, a public necessity?—The patent agent is forced to undertake more work as the applications increase. If he keeps up with the knowledge of the art he must work more.

2575. Therefore, in a great manufacturing country like England, and, I am glad to say, an increasingly inventive country, a patentee ought to find a distinct advantage in there being an incorporated class of professional men who from their character, and from their knowledge, and experience, and ability, are able to advise him at every step that he may have to take before the patent is completed?—That is so.

2576. From that point of view, do you think there is anything unreasonable in Parliament being asked to grant to the profession, with proper restrictions, such powers as would enable them to constitute themselves a special and exclusive body, for the purpose of carrying out these duties?—No, I have no objection personally.

2577. Speaking from your experience?—Yes.

2578. The honourable Chairman read to you a clause in one of the Bills, Clause 6, in which the promoters desired that you might be prevented from receiving a specification that was not signed by a duly qualified person. Would it, in your opinion, be possible to soften that clause in any way, so as to enable other persons than the applicants themselves to come to you apart from patent agents?—That is a point I should like to consider, and I will make a note of that. It would be a greater convenience to the office if the work all came through qualified agents.

Sir *John Leng*.

2579. The objects of the Bills before the Committee, as we understand, are to guarantee, and as far as possible to elevate the competence and character of patent agents. You have mentioned that certain complaints have been made against the conduct of some agents. May I ask whether any record is kept at the Patent Office of these complaints?—The letters of complaint are kept.

2580. Have any serious cases of dishonesty occurred within the last year or two?—I can hardly say how many, but some have occurred certainly.

2581. Have those been cases of registered patent agents?—Yes.

2582. Have there been any complaints against persons applying for patents who have not been registered?—I do not think any have reached me.

2583. Speaking generally, do you think the

Sir *John Leng*—continued.

profession, if we may call it so, of patent agents, is on the down grade?—No, I hope it is the other way.

2584. You would think that the institution of the register and the operations of the Chartered Institute have tended to elevate the profession rather than otherwise?—Yes.

2585. You have made a suggestion which seems well worthy of consideration, that the register by whomsoever controlled might have a class for patent agents and another for trade marks' agents. May I ask whether the agents for designs are at all a separate class?—The registration of designs is merely a deposit, so that anybody may do that. It is merely a deposit and the design is kept secret for five years. The design itself, as you understand, is designed by the manufacturer, or for him, and it is merely deposited at the Patent Office for the sake of proving the date in the case of actions.

2586. The honourable Member for Gorton put to you a question to which you replied generally that a patent agent should be competent to take out a trade mark; will you be good enough to explain why there has been a certain divergence, why this new class of agents has sprung up, and why as a rule patent agents do not take out trade marks?—Patent agents do take out a good number of trade marks; but, owing to the passing of the Trade Marks Act of 1875, there was a very large amount of work suddenly thrown upon the office, and that caused a certain number of gentlemen to take up the occupation or profession of a trade marks agent.

2587. As a kind of speciality?—It is a speciality. You will see in that table the number of trade marks which have been registered.

2588. There may be a certain convenience in that continuing?—Yes, it is always an advantage to have trained men in every profession.

2589. But if a trade marks agent is a man of ability and character, there is no reason why he should not also act as a patent agent?—No.

2590. You gave an opinion that while it is desirable to have a roll of patent agents, you would rather not have it at the Patent Office?—Yes.

2591. Will you be good enough to say why?—I think people might perhaps say that the Comptroller was prejudiced one way or another.

2592. Have you any other reason?—No.

2593. Would not it be practicable to have some form of appeal from the decision of the Comptroller?—Of course you could have an appeal, but I should think it would be better to keep it separate from the office.

2594. You would also, I presume, very much for the same reason, prefer that the examination should be under the control of somebody outside the Patent Office?—Yes.

2595. With regard to the fees, you have had I think for some years a surplus of something like 100,000*l.* at the Patent Office?—It has been more than that, I think. It was 168,000*l.* in 1882, but that has been reduced of late years by expenditure on buildings and reduction of fees.

2596. I see in this return the fees for the year 1892 appear to be from 180,000*l.* to 190,000*l.*, and the designs have brought up the total to 199,000*l.*, that is close on 200,000*l.* Your pay-

Sir *John Leng*—continued.

ments on the other side amounted to close upon 100,000*l.* Your surplus for the year 1892 is 103,000*l.*?—That was in the year 1892. In 1893 the surplus was reduced to 79,000*l.*

2597. I thought you said your surplus was 168,000*l.*? No; I was talking of past years. We have had as much as 168,000*l.* surplus under the Act of 1852 before we reduced the fees. The fees were reduced in 1884. The 25*l.* fee was reduced to 4*l.*

2598. Speaking roughly, the number of applications for patents have under the Act of 1883 for some time past increased fourfold to what they were under the Act of 1852?—Yes, they were about 6,000.

2599. And has there been a corresponding increase in the number of patent agents within your knowledge?—I cannot say. There has been an increase in the number certainly.

2600. You do not think there are four times as many as there were before?—I should think not, but I could not give you an accurate statement on that subject.

2601. Admitting that it is desirable to have a register, and also a system of examinations independent of the Patent Office, would you consider it fair that the Chartered Institute which only represents, totalling up the figures given for the quarter January to March, 36 per cent. of the provisional specifications, the complete specifications, and the provisional and complete specifications, against 40 per cent. of the registered agents and 23 per cent. of outside applicants, including solicitors and others, should have the entire control both of the register and of the examinations?—I understand the proposal is this, "The Bill provides special facilities for the admission to membership of the Chartered Institute." They seem to be anxious to induce others to join the controlling body.

2602. Speaking generally, do you not think it is desirable that, whatever body has the control of the register and of the examinations, it should be as representative as possible of the whole body of registered patent agents?—Yes, certainly.

2603. With regard to the practice in other countries, can you tell me whether in any other country the Register of Patent Agents is kept by the Patent Office?—No, I have not any means of knowing. I know that under some of the foreign laws it is necessary to employ a patent agent, and you can only get a patent in that way.

2604. It has been sometimes stated that more is done for the applicant for patents by other patent offices than by yourselves; have you heard that complaint?—That could only be in the case of the United States and Germany, where they examine for novelty; in all other countries they have simply a depôt. You merely put in your application and it is treated as a trade mark or a design is treated. They do nothing at all, as far as I am aware.

2605. Then the British Patent Office does more than that?—I think we are in between.

2606. Will you explain to the Committee for what purpose you examine the applications that are sent in?—The Act provides that the application must be made in a certain form, and that the invention must be generally described in a

Sir *John Leng*—continued.

provisional specification and particularly described and ascertained in a complete specification, and, if necessary, drawings are to be attached to illustrate the invention. We have to see, in the first instance, that the provisional specification is properly drawn as far as we are concerned, and after that we have to see that the invention described in the complete specification is included within the four corners of the provisional, but we do not interfere with claims.

2607. It is more as to the method than as to the substance really?—Yes. Then, at the same time, I might add the examiners, while they are making their examination, prepare the indices and abridgements.

2608. I am rather surprised to see the large proportion of applications abandoned; they seem to be nearly 50 per cent. of the whole?—Yes, that is so.

2609. Will you state generally how that arises?—I think that is partly caused by the provision which enables me to keep the provisional specification secret, so that an application may be made over and over again for the same invention. It also causes an enormous saving. Under the old Act we used to publish all the provisionals, which would amount to many thousands now, and would thus involve a waste of public money.

2610. Some complaint has been made about this. I do not make it. I understand if an applicant sends in an application you issue to him a circular giving advice and essential information on the law, instead of referring him to the law. How far do you go in that direction?—I issue a circular in which I distinctly state that the Patent Office in no case gives legal advice, and that the patentee should refer to his solicitor. I can supply you with a copy of the circular.

2611. You do not think that you go further in the circular which you have issued, than is desirable to guide an uninformed applicant?—We usually tell him he should consult his legal adviser.

2612. As to the applications that come to you either direct from an applicant or from some friend or from a solicitor, that is the applications coming from others than either registered patent agents or members of the Institute, have you any means of knowing whether those give rise to more litigation than those which come through patents agents?—No, I have not. I have never tested the cases. We have reports of the cases, but I have not traced it to that source.

2613. Do you not think that in recognition of the large surplus that you have the Patent Office might do somewhat more for applicants than it now does?—That is a question which I am afraid does not belong to me; I am merely an administrative officer.

Mr. *Heywood Johnstone.*

2614. I understood you to say that you examined the specification to see if the complete was in accordance with the provisional?—Yes, as far as we can.

2615. But your examination is not in any way conclusive?—No, it can be upset in the courts.

2616. I

Mr. *Heywood Johnstone*—continued.

2616. It would be quite open to an alleged infringer to raise the question?—Certainly.

2617. Did I understand you to say that in your opinion a trade marks agent would in all cases be qualified to act as a patent agent?—No. I say he might be sufficiently qualified. I should say a patent agent would be able to act as a trade marks agent.

2618. But a trade marks agent is not necessarily qualified to act as a patent agent?—No, not necessarily, because he would not require the technical knowledge that the other would require.

Mr. *Heywood Johnstone*—continued.

2619. Would you go so far as to say that there should be a register of trade marks agents as well as patent agents?—I think it would be an advantage certainly.

2620. Whether a separate register or included in the same register?—Yes, by different examinations.

2621. But they should be a registered body in the same way that patent agents are to be under the Act?—Yes.

Tuesday, 12*th June* 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.	Mr. Edward M'Hugh.
Mr. Alban Gibbs.	Mr. Mather.
Sir John Leng.	Mr. W. F. D. Smith.

THOMAS HENRY BOLTON, Esq., IN THE CHAIR.

Sir Courtenay Boyle, called in; and Examined.

Chairman.

2622. You are the Secretary to the Board of Trade?—Permanent Secretary to the Board of Trade.

2623. Have you read the evidence which has been put before us?—Yes, very carefully.

2624. Probably you would like to give us some evidence as to the object of the Act of 1888 and as to the intentions of the Board of Trade with regard to that Act?—Yes, I think I should. The intention of the Act of 1888 was, as has been explained by Mr. Hopwood in his evidence (but I should like a little further to develop it), to create a register of patent agents, and to place upon that register any persons who had been *bonâ fide* practising as patent agents in order that the register should consist of all those who were at that time patent agents, and to provide for rules and regulations governing the admission of persons who wished to come on the register as regards the future; in other words, it was to open the register as freely as possible to the then profession, and make access to the register for the future subject to certain regulations.

2625. What led up to the Board of Trade arriving at the opinion that it was desirable that there should be a register of patent agents, and rules and regulations regulating the admission to the register?—First of all the Report of the Committee, to which reference was made in Mr. Hopwood's evidence, and also information which the Board of Trade derived *aliunde* to the effect that there were persons practising as patent agents who were not properly qualified to discharge to the public the duties of patent agents in the way in which they ought to be discharged, and that the smaller inventor to a certain extent suffered from the fact that there were accessible to him persons whose object it was not to give him the fullest possible advice and assistance.

2626. Or the most honest advice, of course?—Or the most honest advice.

2627. With a view to raising the character of the profession and of the business of patent agents, and with the object of placing at the disposal of the public a body of reliable men, the Board of Trade thought it was desirable to have a register?—Certainly.

Chairman—continued.

2628. And to have that register kept in the way suggested by the rules that were framed?—Certainly, and they made the proposal to Parliament, being very much pressed to take the step of proposing legislation by representatives of many classes of inventors.

2629. You say the Board of Trade arrived at the conclusion that it was desirable from a public point of view, not only from the point of view of the patent agents, but of the inventors and of the public generally, that the status of the business of patent agents should be raised in the way that it would be raised by a register and rules and regulations such as were framed?—Exactly.

2630. In establishing this register, how was it that it came to be entrusted to the Institute of Patent Agents?—The Board of Trade found the Institute of Patent Agents established. They had not then a charter, but they were a body with a recognised position; they were a body known to Parliament; they were a body known to the public; and the Board of Trade were clearly of opinion that they could not do better than entrust the administration of the profession so far as concerned the keeping of the register to that institute, which was there. They had every hope that the administration of the institute would be such as to give a large scope to the government of the profession generally.

2631. Following the course that was adopted in the case of the solicitors in the first instance many years ago, and more recently the veterinary surgeons, the Board of Trade, I presume, thought it was more desirable to entrust the register to a body representative of the profession itself than to take the matter into its own hands?—Far more so. They thought it was very much more to the interest of the profession and to the interests of the clients of the profession that the keeping of the register should be entrusted to a body representative of the profession.

2632. I gather that the Board of Trade at the time they intrusted the register to the Chartered Institute were under the impression that the institute would rise to its increased duties and responsibilities, and would endeavour to bring within its scope the general body of patent agents?—They had every hope that the administration

Chairman—continued.

stration of the institute would be such as to make the government of the profession general.

2633. I suppose you thought it would extend its area so as to practically bring within its constitution, if I may use such a term, the general body of patent agents?—We thought it would envelope in its benevolent embrace all other professional patent agents.

2634. I suppose you will admit that having regard to the evidence that has been given before this Committee the institute is hardly so fully representative of the general body of the patent agents as is desirable?—It was I think proved to the Board of Trade, even before the introduction of these Bills, that there was a body of patent agents outside the institute not fully satisfied with the way in which the profession was governed.

2635. I gather that if there is any further legislation and the Institute is to have further recognition you think this should be accompanied with some widening of the constitution of the institute inself so as to embrace more fully within it the large number of patent agents who at present are not associated with it?—We hope that that is a view to which the institute on consideration will assent, but at any rate we hope now that the matter is to be put upon a Parliamentary basis the government of the profession will be comprehensive.

2636. The Board of Trade, in pursuance of the Act, made rules which not only entrusted the keeping of the register to the Institute of Patent Agents, but also gave them authority to charge certain fees for entry on the register, annual fees for keeping names on the register, and fees for examination of candidates who wished to be put on the register?—The Board of Trade, in their rules provided for certain fees. They were of opinion that the maintenance of the register must cost the institute something, and that for the defrayment of the expense of keeping the register it was fair that persons entered upon the register should pay. The Committee have before it, I think, the Board of Trade rules, and they will be aware that there were four classes of fees provided for under those rules. One was a fee for the registration of the name of a patent agent who had been *bonâ fide* in practice prior to the passing of the Act. The second was the fee for the registration of the name of any person other than as above. The third was an annual fee; to that, probably, the attention of the Committee has been more especially directed. And the fourth was the fee on the entry of a candidate for the final qualifying examination. The Committee are probably aware from what they have seen in the journals of to-day that the highest court has held that the rules made by the Board of Trade under the section, and providing for those fees, were *intra vires* and are good.

2637. And that decision of yesterday of the House of Lords in the case of the Chartered Institute of Patent Agents against Lockwood overrules the decision of the Inner House of the Court of Session of Scotland, which declared that the rules were *ultra vires*; therefore these rules are now law?—The House of Lords, which is the final Court of Appeal, have decided

Chairman—continued.

that the Second Division was wrong in holding that the rules in question were *ultra vires*, and the Lords have decided that the rules are good, and consequently have statutory sanction.

2638. But still, notwithstanding that decision, it is desirable that there should be legislation with a view of removing all difficulties and starting the affairs of this new business or profession, as it is proposed to be constituted, on a satisfactory basis?—Certainly; the Board of Trade do not insist upon the continuance of the *status quo* because of the decision of the House of Lords, but they are, even although it has been held that their rules are good, of opinion that the government of the profession might be put now upon a comprehensive basis.

2639. You have, I suppose, been through both the Bills that are before us, the Bill promoted by the Chartered Institute of Patent Agents, brought in by the honourable gentleman the Member for Monmouth, and the Bill promoted by the Society of Patent Agents, brought in by the honourable gentleman the Member for the City of London. I do not know whether you would like to give us any opinion with regard to either of those Bills, or whether you would prefer to go through them with us hereafter, when I daresay we should like to have an opportunity of going through them in detail with you, after we know more fully whether it is possible for the patent agents themselves to suggest modifications of either of those Bills?—I think if I were to attempt to go through the Bills now I should be only doing that which would be more useful to the Committee if I did on a subsequent occasion.

2640. That is the reason I suggested that course to you. The course which we should have to take would be to take one of these Bills, and amend that one Bill, and report it, with amendments, to the House, if we think it is desirable that there should be legislation this Session?—That probably would be the course. There are precedents for the adoption of that course; a precedent, I believe, in this very room, where a Committee had two Merchandise Marks Bills before them, and they took one, and amended that Bill by the information which they derived from the other.

2641. Assuming that we can get these various parties into a frame of mind which would induce them to endeavour to meet one another, so that we can get at the general wish of the general body of the patent agents, that would seem to be the course which it would be desirable to take?—That is the course which, respectfully, I should suggest to the Committee. I may say that the Board of Trade have received a letter, which is at present in my possession, from the President of the Institute of Patent Agents, hinting that they would be ready to do that which of their courtesy I should expect them to be ready to do, namely, to meet, with a view of seeing whether some agreed suggestions could not be laid before the Committee.

2642. That evidently is the most desirable course. When we get those suggestions we shall of course have to consider them from a purely public point of view in the interests of the public; but it would be very desirable, I

Chairman—continued.

think, you will agree with us that we should get from the patent agents something like a concensus of opinion as to what would be acceptable to them generally?—Certainly; and if on those lines the Board of Trade can be of any use, as regards a preliminary conference, their services are very much at the disposal of the patent agents, in the first instance, and of the Committee in the second.

2643. I suppose in any Bill we should have to provide for something like an addition to, or a slight reform of the present register, inasmuch as we should have to consider the claims of certain persons who appear to be doing patent agents' work, although not actually on the register of patent agents?—I am sure that the Board of Trade would support and obey any directions given by the Committee in that sense. Of course, technically speaking, since the passing of the Act of 1888 nobody has been entitled to call himself a patent agent unless he has been on the register.

2644. At the same time a good many people seem to have called themselves by names, which it would be difficult to distinguish from the name "Patent Agent," and a good many people seem to have been combining patent agents' work with other work, and doing a good deal of patent agents' business?—I should have thought that Parliament might usefully take the opportunity which is afforded by these two Bills—of burying any hatchets which have unfortunately been dug up, and of settling the profession on a wise and satisfactory basis *de novo*.

2645. We are very glad to hear those remarks, which I believe every member of the Committee now present quite concurs in. There was a suggestion made to this Committee a few days ago that the work of registering designs and trade marks is work that is transacted at the same office as patent work that it is largely transacted by the same class of people; that some of it is of a technical character and is akin to the work of patent agency; and there was a suggestion made to us that we should in some way combine the trade mark agency with patent agency, so as to constitute a joint profession or business?—I should have thought that there was a good deal to be said for the contention that those agents who have been practising in the past as purely trade mark agents might be called, in the settlement which Parliament is arriving at, patent agents for the future; but I should deprecate, and strongly deprecate, there being two classes of patent agents: patent agents who are capable of dealing with the whole series of questions which come before the Patent Office, and patent agents who are only capable of dealing with trade marks and designs questions. I will admit fully that the trade mark law requires a good deal of technical and especial knowledge, but so do many branches of the solicitors' profession, and you do not have solicitors who are capable of dealing with one class of questions and solicitors who are capable of dealing with only another class of questions. I submit that it is better in the interests of the profescion and of the public, that there should be one class of patent agents.

Chairman—continued.

2646. And that in fact patent agency should cover trade mark work?—Trade mark and design work.

2647. And that the people who could show that they had been *bonâ fide* engaged in trade mark work should in some form be associated with the patent agents?—Certainly.

2648. So that the general term "patent agent" should comprise not only patent agents pure and simple, but trade mark agents, and work akin to patent agency?—Exactly.

2649. Do you suggest that we should make the profession an exclusive profession, for instance, prohibit the office from receiving papers from any people who are not registered patent agents?—No, I would not go so far as to suggest that. I think it should be within the competence of any inventor to employ any person that he chooses to employ to go to the patent office, and do that which can be done at the patent office by the public, but I do think that it should not be competent for any person who is not upon the register to describe himself as a patent agent, and to seek for business on a recommendation made by himself.

2650. That is to say, that while the inventor should form his own opinion as to whether he would have the assistance of a patent agent or not, he should be at liberty to send his papers to the office through any other agent, or take any other advice he pleases?—To send his papers to the office by his messenger or his brother-in-law, if he chooses to do it, if he is satisfied the work will be done as efficiently by such an emissary as by anybody else, but no body should advertise for business or seek for business.

2651. No one should hold himself out as a person transacting that special business, and capable of acting for others in that business?—Exactly. To compare the medical profession: there is nothing to prevent me going into a chemist's shop and asking for a dose of physic, but at the same time a chemist does not describe himself as a medical practitioner.

2652. There was a suggestion made by one witness here that Parliament should provide by legislation that charges for patent agency work by anybody else but a patent agent should be irrecoverable at law?—That would be rather a drastic remedy. It seems that the less stringent remedy which the Committee apparently have in their minds would be sufficiently effectual.

2653. Then what you suggest is that we should provide that the register should be brought down to date, if one may use the term, and started from the present time under rules and regulations under public authority?—I should have thought the rules and regulations had better be in the Act now. I should have thought probably the Committee have even more knowledge than the Board of Trade have had in the past, and they might embody the rules and regulations in the Act. There may be a certain elasticity desirable in some of them, and those you could provide for dealing with by rule rather than by the Act itself.

2654. In the way we have been suggesting we should give the profession all the recognition necessary,

Chairman—continued.

necessary, and all the organisation necessary, and if hereafter further powers were required Parliament could be asked for those further powers?—Exactly.

Mr. *Mather.*

2655. Are we to understand that the Board of Trade in years past, long before the Institute received its charter, had experienced certain difficulties in connection with this question of the status of patent agents?—No, not quite so. If I led the Committee to think that I must have misexpressed myself. The Board of Trade did have evidence, even before the Report of Lord Herschell's Committee, that inventors suffered in consequence of inefficiency of patent agents' work.

2656. I understand in consequence of the Board of Trade in the public interests feeling that something ought to be done to facilitate the course of proceedings in connection with patents, they promoted the Committee of 1887 to make a full inquiry into the Patent Acts and their operation, and the methods of procedure connected therewith?—Exactly.

2657. That was an act absolutely of the Board of Trade. It was not influenced I presume in any way by the Institute of Patent Agents?—You mean the promotion of that Committee?

2658. Yes?—No. That was the act of the Board of Trade, for which they alone are responsible.

2659. Therefore all the proceedings *ab initio* dealing with the question of the status of patent agents were taken by the Board of Trade on their own responsibility?—Most certainly. The Board of Trade approached the Institute of Patent Agents. The Institute of Patent Agents did not press the Board of Trade.

2660. This you did in consequence of representations made to you from to time by the public or by inventors?—Yes.

2661. And from the knowledge that came to you through your department as a channel of information?—Yes.

2662. Did you in any way promote, or seek to assist in the promotion of the acquisition of a charter for the Institute of Patent Agents?—Yes. After the institute had been charged with the duty of keeping the register the Board of Trade were of opinion that the status of that Institute should be raised, and in taking that view they followed the line of policy which I have indicated to the Chairman in my examination-in-chief, that they wished to develop the profession. Having got the Institute of Patent Agents with the duty of keeping the register they thought it desirable that a charter should be given to that institute, and therefore when in due time Her Majesty in Council caused the Board of Trade to be consulted as to whether a charter should be given the Board of Trade had no hesitation in recommending the granting of such a charter.

2663. As trustees of the public interests you thought it would be better for the public to have access to the Patent Office through a regular profession of patent agents, that is registered

Mr. *Mather*—continued.

persons who are qualified to act as patent agents, rather than to trust to Tom, Dick, or Harry who might offer to do their work for them?—We thought that the public should at least have an opportunity of knowing where to find a qualified agent.

2664. Since you have instituted this course of operations through the Act of 1888, has it satisfied you that your proceedings were justified—that you have done good for the public in this matter?—Certainly, we are perfectly satisfied with the action that the Board of Trade has taken up to the present. I wish we could say so on all questions, but on this question we are fully satisfied that they have done what is in the interests of the public.

2665. Have you at any time received from patent agents complaints of the inequalities which have been produced in the professional position of certain patent agents in consequence of the action of the Board of Trade?—Yes. We have during the last two, three, or four years received complaints from agents outside the institute that their status is interfered with, I might almost say impaired, from the status which has been given to the Institute of Patent Agents.

2666. Notwithstanding that you are of opinion that your course of action was the best for the interests of the public?—Certainly, because we hoped, and hope still, that the Institute of Patent Agents, recognising the importance of their profession, will be able and willing to put the government of that profession upon a comprehensive basis.

2667. You intimated just now in your examination in-chief that, notwithstanding your feelings as to the importance of having highly qualified men to deal with those patent questions, you thought no Bill ought to contain a prohibition or a penalty attaching to anyone who would do the actual work of a patent agent, provided he did not call himself a patent agent?—At present I do not see any reason why a member of the public should not employ what you perfectly properly call Tom, Dick, and Harry to do his work for him at the Patent Office; but I should prohibit Tom, Dick, or Harry from describing himself as a patent agent and seeking for work from a member of the public.

2668. Do you think the public would be sufficiently protected by any Act of Parliament which would demand on the one hand certain definite qualifications for a man calling himself a patent agent, and on the other hand admit to the same practice, provided the name "patent agent" was not used, any other man who might come into connection with a Government Department, and be received there with all the respect and all the attention given to a duly qualified practitioner?—Yes, I think the public would be sufficiently protected. It seems to me that the Legislature, or the State Department, whichever it was, should inform the public where to go to get the properly qualified article; but if the public in their wisdom chose to employ the unqualified article, I do not see why they should not do it.

Mr. *Mather*—continued.

2669. Previous to your action in 1887, when this Committee was appointed, I understand the Board of Trade was of opinion that the unqualified article was so unreliable from a public point of view that they desired to institute some qualifications?—In those days the public had no opportunity of knowing where to go to get the qualified article, and it was in order to provide them with that information that the Board of Trade took the action which led up to the present Act.

2670. Do you think, if one of these Bills passed into law defining the status of a patent agent, it would be sufficient for the public to have it intimated to them that there was a regular profession, by whom, of course, everything was done in an orderly fashion, leaving it to them if they chose to get into the sheepfold in some other way, and that they should take the consequences of that?—I think so. I would compare the state of things with that in the medical profession; I do not see that there is any reason why you or I should not take the advice of somebody who is not a qualified medical practitioner, if we chose to do so.

2671. It is rather different, I think. I do not think the parallel quite goes to the end in the case of the medical profession, or even that of a solicitor, as compared with the position of a patent agent. The patent agent has two functions to perform. He has first of all to advise wisely and well, as far as he may, the inventor who comes to him to draw a specification. Then he has to go through all the formalities connected with the Government Department. The Government Department, I believe, to take the case of the Courts of Law, permits the person himself, the defendant or the plaintiff, to practise, but otherwise a solicitor or his representative must be the practitioner?—Not at present. The Patent Office would give all the information at their disposal, not only to the inventor himself, but to anybody properly nominated by him to act on his behalf. All they require is that the authorisation should be substantiated; in other words, it was required, and reasonably required, that anybody coming to the Patent Office, and representing himself as the agent of A. B. should prove that he is the agent of A. B., and not that he comes on his own behalf.

2672. He must not call himself the patent agent of A. B.; he must be the agent simply in the sense of representing him for that particular thing?—Exactly.

2673. So long as the specifications are properly drawn and all the forms complied with, you believe the Patent Office should have no knowledge of persons in this matter?—It should have no knowledge of whether the person coming was or was not on the register.

2674. I think you intimated that the Patent Office and the Board of Trade would be able to supply information to would-be inventors as to the register of patent agents. Do you contemplate making any publication yourselves as to the registered patent agents?—No; I think not. I should refer anybody addressing inquiries as to circumstances connected with the register to the Registrar.

Chairman.

2675. In the same way as the veterinary surgeons; they would publish a list of their members?—Just so.

Mr. *Mather.*

2676. The Patent Office itself would not publish a list in any of its publications of the registered patent agents?—At present it would not be their intention to do so. Now the register of patent agents is purchasable for a shilling, and we contemplate that a future register of patent agents shall be purchasable at a small sum. If any difficulties were put in the way of that, it is possible that the Board of Trade or the Comptroller might demand the deposit of the register from time to time; but, as at present advised, I do not think it would be necessary.

2677. I understand you would leave the profession open to everyone; but those who were duly qualified by examination under your rules, or under the Act of Parliament, in substitution of your rules, would have the right to put against their name "Patent Agent," whereas other persons would have to put "Agent" alone, or some distinction which would prevent them encroaching upon the other men?—Probably that would be the effect of the legislation.

2678. In speaking just now of the agency for trade marks you did not, I understand, approve of the suggestion made in evidence here that there should be two degrees, as it were, in the registration of agents; one of patent agents, which would cover all the qualifications necessary to obtain trade marks, and the other for trade marks alone?—Not at present.

2679. But you would admit all those practising as trade mark agents, whether they had qualified under the examination which you instituted, or not; you would admit them at once to the roll of patent agents?—That is going a little bit further than what I said in examination-in-chief; I should think that the majority of those who had been *bonâ fide* practising as trade mark agents up to the present, although they have not been practising as patent agents, would have a very considerable claim upon the Committee and upon Parliament for access to the register, but I scarcely go so far as to say that everybody who has been practising as a trade mark agent should *ex hoc facto* have access to the register; that would be going a little too far.

2680. Would you approve of their admission to the register, if a committee which might be appointed under the new Act, a representative committee controlling the whole of the questions of the profession, sanctioned the admission of a presnet practising trade mark agent to become a patent agent?—Certainly; if any discretionary committee set up by that Act was of opinion that the practice of a trade mark agent was of sufficient character to justify his admission to the register. I should think that the fiat of that committee ought to admit him to the register.

2681. Of course, that is a broad way of getting over a present difficulty. No doubt it will have to be done in some such manner, but looking to the future, do you think it would be necessary that anyone desiring to practise as a trade mark agent

Mr. *Mather*—continued.

agent should go through the examination necessary to constitute him a proper patent agent?—I should be very sorry to see two classes of patent agents, and therefore, my answer to that question is, yes. I think anybody desiring to practice as a trade mark agent should quality as a patent agent in the future.

2682. Are you familiar with the form of examination instituted under your Rules?—I have seen something of it.

2683. Do you consider that, from your experience, to be an examination easily passed by an intelligent man in that profession?—It appears to me to be based on the assumption with which I perfectly and absolutely agree, that to be a perfectly qualified patent agent there must be a combination of the late Lord Brougham and the late Admirable Crichton, and that no human being can attain to that degree of excellence. That a man can do good work as a patent agent without an immensity of scientific knowledge I am satisfied.

2684. The examination itself now instituted of course has had the sanction of the Board of Trade?—No, not the exact examination. We left that to the Institute of Patent Agents, because we were satisfied that we were not competent to express an opinion as to the exact nature of the examination.

2685. You have no reason to know from any complaints received by you, that that examination is what is called too stiff for the object in view?—I have seen that stated in evidence, and I have heard it stated before this Committee, but I do not think it is desirable that I should express an opinion upon that point. I would rather not.

2686. So far as you know, the working of your rules under the institute, *plus* this examination, which of course is a direct consequence of the powers you give to the institute, you have no reason to believe has been anything but satisfactory both for the public and for the profession?—On the whole I think it has worked fairly satisfactorily. Of course there always are complaints, I may date them from my old undergraduate days, when those who are examined are dissatisfied with the Examiner.

2687. I have no doubt the Board of Trade has very large experience as to the powers of the British public of complaining of all sorts of things, but speaking now about the Bills, although you are not familiar with those two Bills, your evidence to-day has to a certain extent traversed the demands of the Promoters of both Bills on this last point of the permission for other persons to practice as patent agents, though they should not call themselves such. There has been a desire on the part of the Promoters of both Bills to make the profession difficult for anyone to follow who really does not come within the ordinary rules laid down for its guidance. I understand you are against any such barrier being placed as regards those persons who practice provided they do not call themselves registered patent agents?—To the extent to which I have explained, yes.

Sir *John Leng.*

2688. With reference to the later questions put by my honourable Friend, you do go

Sir *John Leng*—continued.

the length that you would, as is expressed in the memorandum of the Bill introduced by Mr. Warmington and others, protect the public from deception by the unauthorised assumption of the title of patent agent?—Yes.

2689. But as you have informed us, you do not think that you would interfere with freedom of action on the part of an inventor who may be an intelligent man and who may have some special invention needing special knowledge on the part of a friend or acquaintance of his, and that friend or acquaintance may also have had considerable experience in taking out patents—you would not prevent him consulting that friend and taking his advice and acting upon it, and even taking advantage of the action of his friend in going to the Patent Office to take out his patent?—I should not prevent that.

2690. With regard to the register of patent agents and the publicity to be given, do you see any objection to this, that once a year, if not oftener, the register of patent agents should appear in the official journal of the Patent Office?—That would be a very good suggestion. It might appear in the official journal, or even be laid before Parliament once a year, or appear in the Comptroller's Report.

2691. A certified copy or copies of it could be lodged with the Comptroller of the Patent Office for reference in the office, so that anyone could see who were registered patent agents?—Certainly. The object would be that there should be publicity of the register; always supposing, of course, that it is a continuing register.

2692. We have had some evidence before the Committee to the effect that notwithstanding the establishment of the present register, and the framing of rules, and examinations, and all that has been done by the Chartered Institute, the character of the profession as a whole has been deteriorating. From what has come under your observation do you think that has been so?—No, I should think not. Whatever information the Board of Trade have in that direction would tend to show that although in the profession of patent agents, as in all other professions, unfortunately, there are men whose presence is not wholly desirable, yet looking at it from a general point of view the profession of a patent agent has improved and gone up, thanks to the operations not only of the institute, but of persons who do not belong to the institute.

2693. With regard to the Chartered Institute of Patent Agents, from what we have heard from you you have been somewhat disappointed that the register of patent agents under its control has not become so comprehensive as you had hoped it would have been?—I scarcely like to predicate disappointment. I prefer to put it that we did hope, and we hope still, that the Institute of Patent Agents will be a consenting party in the extension and widening and making comprehensive of their profession.

Chairman.

2694. I gathered that you did not find any fault with the way in which the register had been kept, so far as it was a register of patent agents, but that inasmuch as the institute comprised less than a third of the general body of

patent

Chairman—continued.

patent agents you were a little disappointed that the Institute had not widened its area so as to bring within its operations a larger number than that. That I gathered to be the tendency of your remarks?—That was very much the tendency. You are asking me to predicate surprise. I still prefer to predicate hope.

2695. You hope that they will take a larger view of their possibilities?—Yes.

Sir *John Leng.*

2696. Evidence has been given before this Committee, I think from more than one witness, that the scale of fees which you have in your hands is thought to have operated adversely to young and struggling men coming on the register. I should like to ask something as to the origin of that scale of fees. Was it suggested by the Board of Trade to the Institute, or was it suggested by the Institute to the Board of Trade?—I should prefer to state that it was framed in consultation with the Institute. As honourable members are aware, there is nothing more difficult than fixing *à priori* the quantum of a fee. The Board of Trade did their best to fix what they thought was a fair fee; but there is nothing cast-iron in these rules, and if it were proved to the Board of Trade, supposing these rules went on, that the fees were too high, the Board of Trade would be perfectly ready to consider the question.

2697. It is obvious that if a larger number were upon the roll, if it were made more thoroughly representative of the profession, a lower scale of fees would meet the expenses which the existing scale had been framed to meet?—It may be so, but the annual fee is a fee of three guineas, and even in these days of, I am sorry to say, depression an annual fee of three guineas for what I hope I may term a liberal profession is not a very large one.

2698. That is so; but when that fee is superadded to other fees for coming on to the register, and especially if an agent wish also to be a member of a chartered institute it does come to be somewhat heavy for a young man?—The Board of Trade are perfectly prepared to receive representations to that effect, supposing the rules were to go on and not be superseded by the Act.

Chairman.

2699. With regard to that question, I should like to call your attention to the fact that the veterinary surgeons, for instance, make no annual charge. I believe they sell their register. They publish a small book, which has a very extensive sale, and they charge nothing, I believe, annually for keeping the man's name on the register. The Law Society charge a very small fee for keeping the name on the register, I think it is 5*s.* a year?—Upon these points the Board of Trade are perfectly prepared to receive representations. They are not particularly wedded to this amount of three guineas.

2700. Of course, if all the recognised patent agents and trade mark agents are practically obliged to be on the register for the purpose of their business, there would be a considerable number, and, of course, a reduced fee would be sufficient to keep the register?—If these Bills were to become law, and the profession were to be upon the comprehensive basis which the Committee have been discussing, it is probable that the fees might safely be lowered without detriment to the exchequer of the body governing the profession.

Mr. *Mather.*

2701. You had in view, when these fees were decided upon, that the Institute would have to incur expense in examinations?—The Institute certainly had to incur expense in examinations, to pay highly-paid examiners, and to do certain expensive acts.

Sir *John Leng.*

2702. A suggestion has been made that, having regard to the large surplus of income enjoyed by the Patent Office, if not the whole sum, a portion of the cost of maintaining the register might be met by the Patent Office?—I should deprecate that. The income of the Patent Office is paid by inventors, and it is perfectly right that, subject to the making of the work of the Patent Office self-supporting, any surplus should be spent in favour of and in the interests of inventors, and it is for that reason that the Government are very largely extending the building of the Patent Office, I may say, are building a new Patent Office; but to say that the fees paid by the inventors should be at all devoted to the expenses of, or the government of patent agents, I think, is extending the principle upon which the fees of inventors are paid.

2703. Is it not in the interests of inventors as well as of the public generally that such a register should be maintained?—To that extent yes; but I submit that it would be more proper that the profession of patent agents should pay for its own register.

2704. Reference has been made to the trade marks agents. We quite understand from you, and I think we shall agree with you, that it is not desirable to have two separate classes. I think a previous witness rather suggested that they should come on the register as a subordinate class, but, agreeing with you that there should be one register for patent agents which should also include trade marks and designs agents, we have had it brought before the Committee that there are a number of men who have taken up the business somewhat as a speciality, that their business has become considerable and to themselves profitable, that along with it they have developed in recent years also the patent agency business. They consider that to that extent they are very much, if not entirely, in the same position that patent agents were before the register was established, and they have expressed the desire that they should be dealt with in the same way, and that so far as they can show that they have carried on a *bonâ fide* trades mark and patent agency business they have not infringed the law. They have practised, but they have not hitherto called themselves patent agents; but they think that in view of the new register they have an equitable title to consideration that they should be dealt with

Sir *John Leng*—continued.

with as were the patent agents before this register was established. Do you think, on the whole, they may fairly make that contention?—The trade mark agents have a considerable claim to the consideration of the Committee and of Parliament. The trade mark law is a subject of itself. The decisions of the Court require intricate and intimate knowledge. The trade mark appeals by a provision of the Act of 1883, which the Committee are aware of, to the House of Lords, and some trade-mark appeals have been taken up to the House of Lords. The Committee are aware that the designs appeals end with the Board of Trade, patent appeals end with the Law Officers, trade mark appeals go up to the House of Lords, and therefore knowledge of trade mark law and trade mark case-made law is a very important and a very intricate thing; and I say, as I have said in both my examinations, that the trade-mark agents have a very considerable claim upon the consideration of the Committee and of Parliament. I scarcely go so far as to say that every person who has applied for a trade mark, or even attended an appeal before the Board of Trade, should in the future be registered as a patent agent. I think that many of those who have practised as trade mark agents have got a status which should be recognised in any future settlement.

2705. But the position is this, is it not, that patent agents have a legal right to describe themselves as agents for patents and trade marks, but trade marks agents at present have not the legal right to describe themselves as patent agents; and what is desired is that, where men have really been doing a fair amount of business as trade mark and patent agents, they should be allowed to come on the new register?—The register for the future should be a register of patent agents; such is my suggestion. There should be, not two classes of patent agents, but the register should be a register of patent agents. As regards access to that register, the present trade mark agents have a very considerable case. How far that case should be admitted is a question of clause and of detail. I could hardly lay down any rule until I saw the clause drafted to give effect to that rule.

2706. May I ask you whether the decision which has been given in the Supreme Court—the House of Lords—in Lockwood's case, may not have modified, to some extent, the view that I think you at one time held, that the Board of Trade should be entirely eliminated from these patent agents Bills?—No, I think not. The Board

Sir *John Leng*—continued.

of Trade have acted with a benevolent and a paternal influence upon the profession up to the present; they have helped it by promoting a Bill and by recommending a charter and by making rules. The rules have been held to be good, but now the Board of Trade are of opinion that the time has come when the profession can put off its swaddling clothes and stand in a manly garb.

2707. We have had it from you that, in order to conduct trade mark cases a considerable amount of technical knowledge is required. Do you consider the subject of trade marks and trade mark law of great importance to the commercial world, requiring competent agents to satisfactorily advise persons requiring to use and register trade marks at home and abroad?—Very important. Just as I am of opinion that a particular branch of solicitor's work, or a particular branch of a doctor's work, is very important, and that the public would go to one class of medical practitioners for one sort of work and to another class of medical practitioners for another sort of work, so I am of opinion that the public in the future will employ one class of agent for purely patent work and another class of agent for purely trade mark work, but that they should all be described as patent agents.

2708. The effect of your evidence, generally, is that you approve of a register and of examinations, conducted by some body which shall be fairly representative of the whole body of the profession?—Yes.

Chairman.

2709. Is there anything else you would like to add?—I should like to add this, that as regards the disciplinary part, the Board of Trade have had cases of complaints before them, and, as the Committee are aware, have dealt with complaints of unprofessional conduct; but upon that, more than upon any other point, the Board of Trade think that the time has come when some more carefully-considered means of expunging a name from the register should be sanctioned by Parliament.

2710. And the suggestion that there should be a properly-constituted disciplinary body representing the profession, in the first instance, with an appeal to some public tribunal, is one that would meet with your approval?—Exactly; an appeal probably to the High Court, or some appeal.

2711. Either to your Board, representing the public, or to the High Court?—Exactly.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. Thomas Henry Bolton.
Mr. Alban Gibbs.
Sir John Leng.
Mr. Mather.
Mr. Nussey.
Mr. W. F. D. Smith.
Mr. Warmington.

MR. THOMAS HENRY BOLTON, IN THE CHAIR.

Mr. JOSEPH LOCKWOOD, called in; and Examined.

Chairman.

2712. I BELIEVE you are a patent agent practising in Glasgow?—I am.

2713. How long have you been in practice as a patent agent?—Ten years, since 1884.

2714. When the Act of 1888 was passed you applied to be registered as a patent agent I believe?—I did, not immediately.

2715. And you were registered? — I was registered.

2716. I believe you are the gentleman who raised the question which has been brought to our knowledge over and over again as to whether the rules made by the Board of Trade to carry out the Act of 1888 were *ultra vires* or not? — That is so.

2717. Will you tell us what led to your taking that action?—Briefly, after I had been registered and had looked into the Statute relating to it and to the rules, I came to the conclusion that no power was given to the Board of Trade to levy any fees whatever, either an initial registration fee, or a subsequent one annually. It defined itself to my mind to be taxation which I immediately distinguished from registration which was the burden of Section 1. My resolution was therefore taken that I should not submit in any way whatever to the Rule 13 which required the payment of a three guinea annual fee. I received notice from the institute informing me that this fee was due according to the rules and intimating what the penalty was if it was not paid. I simply ignored them; I never in so many words refused to pay them, simply passed it over. They took what steps they pleased, and they sent me an intimation that they had erased my name from the register. I think when they sent me a notice that they should do this, I said: "What you do you will do at your own risk." I can inform you of nothing that transpired between that and the receipt of the summons to appear at Edinburgh and answer the complaint that was lodged there.

2718. What was the result of that summons? —In the Outer House Lord Lowe sustained the pleas of the pursuers. He granted a declarator that I was not a registered patent agent, and interdict to prohibit me from practising as a patent agent.

Chairman—continued.

2719. Against that you appealed to the Court of Appeal, there called the Inner House?—I then appealed to the Inner House. The Inner House sustained my pleas mainly upon one point, namely, the *ultra vires* of the rules in so far only as the fees were concerned. The decision on that point was summed up in these words, that the power did not exist to make the rules in question imposing fees, and, as a consequence, they passed over the other items altogether, and said that the pursuers were not, therefore, entitled to succeed in the action against me, either for declarator or interdict, inasmuch as my name had been taken off the register from my refusal to pay monies which they had no power to demand. That was the net result.

2720. Against that judgment, I believe, the Institute of Patent Agents appealed to the House of Lords?—Yes.

2721. And that appeal has been heard?—That appeal has been heard this week. I have not seen the interlocutor.

2722. The appeal has been decided, substantially, in favour of the Chartered Institute of Patent Agents, and adversely to you, on the broad question?—No. It is regarded, I believe, as in my favour, to this extent, that the action not being competent it is dismissed with all its merits.

2723. Will you kindly look at that report of the case in "The Times," and tell us whether that is a fair report of what took place (*handing same to the Witness*)?—On that point, not being present, I have nothing but the newspapers to rely upon at the present time.

2724. You have been informed, I suppose, by your law agent or solicitor in London, of the result of the appeal?—I have.

2725. Will you kindly read that and tell us whether you consider that that fairly represents the decision of the House of Lords; you see we have no authorised report of the case, and therefore, for the present purpose we are bound to use a newspaper report in our proceedings. We have nothing before us as the result of the appeal or the proceedings on that appeal?—Is it competent for this Committee to rely upon a newspaper report?

2726. We

Chairman—continued.

2726. We can only take the best evidence at our command, and I am asking you as the litigant, whether you admit that that report is substantially a correct report of what took place in the appeal to the House of Lords?—My counsel who appeared for me at the House of Lords is here. Would not it be better for me to be represented by him and to give the answer through him.

2727. As you please?—I should prefer that.

2728. Will you consult him and ascertain, and then tell us what he says; the learned counsel happens to be present who represented you and will quite understand that we are unable to get the authorised report yet; we do not want to wait till the authorised reports can be obtained, and therefore, we want to ascertain as reliably as we can, what took place before the House of Lords, and the actual result of the decision?—Without troubling you to go through the particulars, my Counsel has read it, and he says it is substantially correct. (*The Report was handed in.*) I understand that it will be in all the Law Reports, within a few days, an extended and corrected version, or report.

2729. It will be in the weekly notes, perhaps, but not in the authorised reports in a few days. I think you have taken a considerable interest in your profession from a professional as well as a personal point of view?—I have. I have interested myself as it concerned everybody in it; taken a fore-front position in the work.

2730. You know the discussion that has taken place of recent years in the profession as between the Institute of Patent Agents, originally a society incorporated under the Joint Stock Acts, and subsequently a chartered body, the Society of Patent Agents representative of another section of patent agents, and other active patent agents as well as yourself and the society representing the trade marks agents, upon various matters relating to the profession?—It was I who inaugurated the body from which the Society of Patent Agents was formed; the committee of patent agents.

2731. You know that as a result of that discussion as well as of the decision of the Inner House in Scotland which has now been substantially overruled on the merits by the House of Lords, the two Bills have been brought into the House of Commons, one by the honourable Member for the City of London, and the other by the honourable the Member for Monmouthshire?—Yes, I have copies before me.

2732. Do you wish to say anything to us with reference to these Bills?—I have a great deal to say.

2733. Kindly take the Institute of Patent Agents Bill, and tell us what you have to say, as concisely as you can, with regard to that Bill?—If I were to go through with an analysis of the Bill, I am afraid we should not get through it for a long time.

2734. We have not gone through the Bill in detail. Take the Bill broadly. You quite understand what that Bill, and in fact the Bill of the Society of Patent Agents propose. There is a good deal of common ground on which both the Bills rest. They both desire further legislation with a view to enabling the patent agents to constitute themselves a body of professional men?—That is true.

Chairman—continued.

2735. Organisation, a register, entry on that register, discipline and power to remove from the register for misconduct. The Chartered Institute propose that their institute shall be the recognised body to deal with these professional matters; the Society of Patent Agents propose that the rules shall be entrusted to a council representative of the whole profession elected by the whole body of patent agents, and that this council shall have disciplinary powers. These are broadly the lines of the two Bills?—Yes.

2736. And also both Bills propose that the patent agents shall be made an exclusive body of professional men; that is to say, that persons who are not registered patent agents, shall not be allowed to do patent agents' work, to act as agents for inventors, to carry in papers, and to transact business for inventors at the Patent Office; in fact that a sort of what is more or less a monopoly in the hands of the profession shall be established. It may be a monopoly for good, or it may be not, in the public interest, but those are broadly the outlines of the two Bills. The Committee I think, wishes you to turn your attention broadly to those outlines of the Bill which I think I have fairly represented to you, and give us your views upon the Institute of Patent Agents Bill and afterwards upon the Bill proposed by the Society of Patent Agents?—The short notice I have had in being called up to this Committee has not afforded me time to make a suitable epitome of these matters; I had only had leisure to make notes on the margins of the Bill. If I attempt to deal with the broad question, I shall have to ask you to be patient with me. I was desirous of claiming the liberty of dealing with every item in the Bills.

2737. No, we cannot allow you to go through every item and every clause of the Bill and comment upon them. We want you to give us your general views as to these two Bills. First take the Bill of the Chartered Institute; I mean something in the way in which I have stated to you the outlines of the Bill?—Yes.

Mr. *Mather.*

2738. If you look at Clauses 2, 3, and 4, practically they cover all the questions put in a general way on the principle of the Bill, and it is on the principle itself we want to hear your evidence, and not on the details?—I prefer to deal with Clause 1 first; indeed the preamble stops me.

2739. Begin with the preamble, and go down to Clause 3 or 4, that will cover everything?—If I deal with the preamble, and pass on to Section 1, I shall then be very happy indeed to ask you to skip with me right through the Bill on to Clause 30, the last clause of the Institutes Bill.

Chairman.

2740. You mean, you can say what you want to say on the preamble, on Clause 1, and on Clause 30?—Yes; I think if I speak on those very briefly, that will be sufficient.

2741. First as to the preamble?—The preamble says: "Whereas it is expedient to amend the law relating to the registration of patent agents." I have to represent to this Committee that there

Chairman—continued.

is a large number of men comprehended under that term who are not legitimately patent agents, and to whom this Bill has no application whatever. In addition, it has no application to the agents for registration of designs, or trade marks. Now in these two departments as grave faults arise as in the applications for patents. Instances of grave delinquency and dishonesty have come before my knowledge within the last few months, in connection with the registration of trade marks at home and abroad. This Bill does not propose to deal with those persons. There is not a single provision in this Bill, neither is there in the other, for dealing with persons who are only agents for the registration of designs, or of trade marks. I therefore pass on to the other half of the sentence, "And to make further provision with reference to persons practising as patent agents." Upon the literal construction of that sentence, it is bad. There are no existing provisions relating to practice at all. The word "further," ought to be taken out.

2742. The result of your criticism is that the Bill ought to be extended to agents for registration of trade marks and designs, as well as to patent agents?—True.

2743. That is not an objection to the preamble, but a suggestion that it should be extended?—Yes, an amendment to it. Clause 1 is, "This Act may be cited as the Patent Agents Act, 1894, and this Act and the Patents Designs and Trade Marks Acts, 1883 to 1888, may be cited collectively as to the Patents Designs and Trade Marks Acts, 1883 to 1894." What I say regarding that combination is that if this Act is bracketed with all the precedent ones all the provisions of those Acts must be in conformity with the provisions of this Bill.

2744. That only means they are to be read together as one Act?—And then they conflict. There is also a re-assertion in this Bill of existing Statutes, a work of supererogation. I must ask you then, if you have the principal Act before you, to turn to it and see where this Act would conflict with the principal one.

2745. That is a matter for the Legislature. That is a mere formality?—I understood that was a point you were dealing with here on the very merits of the Bill.

2746. No, that does not go to the merits of the Bill. This is a clause which is commonly inserted in Acts of Parliament where there are other Acts relating to the subject matter of the Acts passed; that has a legal meaning which is well understood; it means, to use common language, that the Acts shall be read together as one Act, and shall be interpreted in the light of common sense as one document?—Very well then, if you are not disposed to look into the various sections of the principal Act with which these would conflict——

2747. We shall consider that ourselves, but it is not necessary for us to discuss that with you?—Then in that case, if you will not discuss that with me I will turn to the first sentence of Section 30.

Mr. *Mather*.

2748. It is not a question of objecting to discuss it with you. It goes without saying, it is a matter of course. It does not require your evidence, or anybody else's evidence, to tell the Committee what is necessary?—I find it has been overlooked previously.

Mr. *Mather*—continued.

2749. It has not been overlooked?—I do not mean by this Committee, but in years past. This subject has been under consideration with me for years, and I find that it has been over looked.

Chairman.

2750. You mean the existing Acts are in conflict with each other, do you?—They are, and this repeats the conflicting circumstances.

Mr. *Mather.*

2751. Can you give a single instance, an example, of how the old Acts conflict?—Yes.

2752. You say the old Acts conflict with each other. Can you give us any one example of how the old Acts conflict irrespective of this Bill?—Yes. If you take Rule 4, which professes to be an exposition of something contained in Section 1 of the Act of 1888.

Chairman.

2753. In what rules?—The Board of Trade rules.

2754. You were stating that the Acts conflict with one another. The Board of Trade rules are not an Act of Parliament?—In that case I am regarding the rules as representing the Statute, as they are generally understood to do.

2755. We are not here to consider whether particular rules the Board of Trade have made are within their powers or not, not for the present purpose. When we make our report we shall make our report on full consideration of all the facts, bearing in mind those suggestions you have made. We do not want your evidence on that particular point. Would not it be better to go on to Clause 30?—Yes. I will ask you to come back to it; I go to Clause 30, the first sentence; we find that we are all in agreement. I was not in agreement with the promotors of this Bill or of the other one, in their view that Section 1 of the Act of 1888 ought to be expunged. Until this week I was of opinion that it only required amending. I am prepared to join issue with both classes, or both bodies, of promoters in asking this Committee to assent to the first sentence of Clause 30. "Section 1 of the Act of 1888 is hereby repealed, and the Register of Patent Agents rules, 1889 to 1891, are hereby also repealed."

2756. That is a mere formality. That is only to clear the ground in view of a new Act of Parliament?—Well; I join issues with both these applicants in asking that. The sum and substance of my own feeling and desire in the matter is that you would let that constitute the sum and substance of the Act which you are to recommend to Parliament; that it shall be as small as some of the precedent Acts, and consist only of the rescinding of Section 1 of the Act of 1888; and leave, as I understand this Committee has already recommended, the various bodies of patent agents represented by the Institute, by the Society of Patent Agents, the Committee of Patent Agents, and those unattached agents like myself throughout the country, to come to an arrangement. The Board of

Chairman—continued.

of Trade have found so far that Section 1 of 1888 is unworkable. I think their evidence before this Committee must have been to that effect, though I know nothing at all about it, and that they, as well as the other applicants for these Bills, are of opinion that Section 1 of the Act of 1888 ought to be expunged, and cease to exist, and all that it carries with it.

2757. Do you mean to say that you are of opinion that no legislation whatever is necessary?—I think no legislation is necessary, but I do think that united action would be likely to result in it if that bone of contention were removed out of the way.

2758. How could more united action give the patent agents as a body efficient organisation for professional purposes?—That is just the point you asked me to come to. I maintain that everything that is sought for in these two proposed Bills is merely what should be obtained in a voluntary society. To concrete the things that they have attempted to concrete in the form of an Act here is most mischievous.

2759. But you are aware, I suppose, that solicitors, members of the medical profession, veterinary surgeons, dentists, chemists, and various other bodies of professional men have found it desirable to have some chartered association sanctioned by Act of Parliament, and that the public, acting through Parliament, have considered it desirable in the public interest that legislation should organise these various bodies?—I presume that there has been a general agreement amongst those bodies first.

2760. Assuming that the evidence we have had as to the character of the work done by patent agents, and as to the desirability of organising them, is to be taken and accepted, why should not it be desirable that similar legislative provisions should be made with regard to patent agents?—I will give you some very good reasons why those that are asked for here should not be given.

2761. That is another matter?—I, myself, am in favour of some regulations, but they should be voluntary.

2762. That is to say, you think that all the patent agents require, and all that the public, represented by Parliament, should permit, is the voluntary association of patent agents. Is that what you mean?—I think that would be all sufficient, if it were incorporated under the Companies Act.

2763. That would be, practically, a voluntary association?—Just so; there is a degree of elasticity about that which there is not in an Act of Parliament.

2764. That comes to this, then, that you do not consider that any legislation is required?—I think it is mischievous. I think it is wrong, to begin with.

2765. Tell us why, broadly, you think it is mischievous?—My reason for saying that will be found in Sub-section 3 of Section 1 of the Act in question. That section speaks of the existing and inalienable right of every person who has practised as a patent agent prior to the passing of this Act to be registered.

2766. There are no such words as "inalienable rights"?—No; but there is that meaning. I will give you the exact words. Sub-section 3 of Section 1 of the Act of 1888 says: "Provided that every person who proves to the satisfaction of the Board of Trade that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act." That recognises that every such person has a right; he has acquired it.

2767. You propose that this should be repealed?—I will give you my reason. I have not finished what I had to say: Section 27 says, "Nothing in this Act shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Act." There you find that this Act declares that we have certain established rights, and that nothing shall disturb them, and here the principal plea of both these Bills is confiscation of that right and a power to excommunicate a man.

2768. What right does either the Act of 1888 or these Bills confiscate?—It confiscates my right to practise until I pay a fee of five guineas, to begin with; it confiscates my right to practise in the industry and profession which I have honourably followed for the past 10 years unless I pay three guineas a year, not to the State for a licence, or to support the State, but to a body that gives nothing in return for it. I have had the audacity to call it "blackmail."

2769. Then, what I understand you to say is, that no legislation whatever is required, and that you, having practised for 10 years as a patent agent, object to be called upon either to be registered or to pay any fee for being registered?—I do not object to the registration at all, but I do maintain that this Act never intended to impose a single farthing for it. The principal Act specially defined that no charges should be made.

2770. That is to say, you think that the Board of Trade ought not to have passed rules which involve, with regard to the establishment and keeping of the register, a charge upon the persons registered?—I do maintain that.

2771. Who is to pay for the register?—The cost of it would have been so small that, had it been done as, I believe, its promoters designed it to be done, and placed at the Patent Office, I do not think there would have been 20*l.* a year involved.

2772. You suggest that the charge for a certificate should be shillings instead of pounds?—Either that or nothing. I maintain that compulsory registration should always be free.

2773. Is that your only objection to this Clause 1 of the Act of 1888?—Oh, no; I take a deeper objection which has not been before the courts as yet, indeed several objections, some of which I do not feel free to speak upon here. They are not *sub judice*, because they are not at the present moment before the courts; but it is my intention, and has been my intention for a long time, as soon as we had got rid of the litigation, which has now ended, to begin on these other lines.

2774. There are questions which you intend to raise, but you are not prepared to tell us what those questions are?—Just so; I do not think I

Chairman—continued.

ought to be required to do it. My thought was to present my suggestion to the Committee.

2775. What you have told us is the substance of your objections to the Chartered Institute of Patent Agents Bill?—I have some other very serious ones. Those are two important ones, namely, that these rights are by these measures confiscated.

2776. That is to say, that the right which you have hitherto exercised of practising as a patent agent is confiscated by an Act of Parliament which requires you to register yourself and pay an annual charge?—It is not confiscated under the Act.

2777. And you also say that although you do not object to be registered, yet you object to pay any charge?—In the present condition of the Act. If the Act were differently framed and worded I would pay anything that the Act enjoined; only I maintain this, that hitherto compulsory registration by Act of Parliament has been free, as, for instance, the registration of births and deaths.

2778. To pass on to the other questions; is there any other objection that you have to raise to the Bill of the Chartered Institute?—The unfitness of the institute or any corporate body who are personally interested and directly interested in the matters at issue to have the custody of matters of this sort and of registers. I will give you evidence of that.

2779. The matters at issue, as you describe them, are the concerns of the profession, and you suggest that the representatives of the profession ought not to attend to the concerns of the profession?—No; it is the expulsion and excommunication of members that I object to.

2780. You say that the members of the profession should not have power to sit in judgment upon the delinquencies of the members of their own profession?—Just so.

2781. You are aware, of course, that at the Law Institution, in the first instance, a committee of solicitors does investigate charges made against members of their body?—And my answer to that is, two blacks do not make a white.

2782. And that absolute and impartial justice is secured by giving the solicitor who has a decision against him of that committee a right to appeal to the High Court; if you had a similar right of appeal, would that meet your view?—We have not that.

2783. Each of these Bills propose somethiug of the kind?—If you will permit me, I will give you my own experience to show the malicious and vindictive manner in which bodies of men like these administer the powers that are given to them of dealing with those they regard as delinquents.

2784. Do you say the Chartered Institute has been guilty of any vindictive or malicious action in administering the powers which they have obtained under the rules of the Board of Trade?—Yes, towards myself. I will give you an instance.

2785. Do you mean in the action they have taken against you in the courts of law?—One that this Committee know nothing about.

2786. Tell us it?—In 1890, I was served with a summons to appear before the sheriff, there to

Chairman—continued.

answer to a charge of contravention of the statute, in the fact that I had been publishing myself, calling myself, and describing myself, contrary to the terms of the statute, as a patent agent, whereas I was not registered.

2787. You say they were malicious and vindictive?—I will show you where. I appeared before the sheriff, and upon the relevancy of that action it was dismissed. The institute immediately took out another action on the same charge, in which I employed Mr. Borland, of Glasgow, my solicitor, to conduct the case for me before the sheriff. We attended before the sheriff. The agent on the other side failed to attend at the proper time. The case, after 15 minutes waiting, was dismissed in absence, with costs. The agent appeared and asked if we would consent to another diet. I declined. The matter was closed. He took out another summons against me, which was ultimately heard. Now, I submit to this Committee that that was malicious and vindictive. In the meantime, I had paid my fee on my application to be registered, and the only reason why I had not done it earlier was that I was too poor to spare the five guinea fee.

2788. What you say is that the facts you have described in your opinion amount to malicious and vindictive conduct?—I think so.

Sir *John Leng.*

2789. Do you say that after this decree in absence you offered to pay the fee?—No, it was prior to that, as soon as I got the summons; the very day of receiving the first summons.

Chairman.

2790. As I understand, you say that proceedings were taken against you in one of the inferior courts in Scotland, and the judge dismissed those proceedings. You did not tell us for what reason?—On the relevancy.

2791. The institute then commenced fresh proceedings. Those proceedings came on and the professional gentleman representing the institute was not present. It is not always that professional men can, with the best intentions, always keep their appointments. At all events this professional gentleman was not present, and the proceedings were dismissed. Upon that some fresh proceedings were taken?—Yes, another summons.

2792. Another summons was taken out which was adjudicated upon?—Yes.

Sir *John Leng.*

2793. In the meantime you say you had applied regularly to go on the register and had offered payment of the fee, and your objection was that after you had made that offer these proceedings were continued?—That is so.

Chairman.

2794. Between the second and the third proceedings?—No, it was the day when I received my first summons that I sent my application in, which had been prepared for months before; I happened to be in funds and able to pay the five guineas then; I never had been before. I was a poor man.

2795. Why did not you send the money with the

Chairman—continued.

the application?—I did send it, but it had to be sent to two sources; I sent the application to the Board of Trade and the money to the institute.

2796. You did send it?—The very day, and got my receipt back. Had it not been that I had done that, I should not have been able to upset the action on the relevancy. It was taken out in a wrong name.

Mr. *Nussey.*

2797. What happened on the third summons?—It was debated as to whether it was barred by the decision in absence.

2798. Not on the merits of the case itself?—No.

Chairman.

2799. What was the result of the third application?—The result of the third application was that it was incompetent to raise the action again as it had been decided in absence.

2800. You won that case?—Yes, certainly, and got costs.

Sir *John Leng.*

2801. Was the remittance of five guineas returned to you?—No; I was put upon the register in due course after that.

Chairman.

2802. Then it resulted in your being put upon the register?—Yes. I am speaking now to the vindictiveness exhibited in the three summonses.

2803. The words "vindictiveness" and "maliciousness" are very strong words?—Very.

2804. You say the ground-work for these charges rests in the facts that you have put before the Committee?—Those facts being that I paid the money, and after that they took out two summonses averring that I had contravened the statute by having the words "Joseph Lockwood" and "Patent Agent" on my office door, where they had been for five or six years prior to that.

Sir *John Leng.*

2805. Do you mean to say that after they had put you on the register they still proceeded against you for what you had done before you were placed on the register?—No, they did not put me on the register until the Board of Trade had gone into the merits of my application, but it was after they had received my payment and my application that they took out two summonses again for antecedent contravention.

Chairman.

2806. Is that all you have to allege?—I wish to place that significantly before this Committee as justifying my statement that these men are not fit to be entrusted with powers of this sort.

2807. Is there anything else which you have to tell us against this institute?—That, I think, is the strongest point that I can place before you as to their unfitness.

2808. Practically, that is the charge which you make against them, and on which you rest your proposition, that we ought not to entrust this institute with the custody of the register?—That is one; I have another point which I think merits your very careful consideration. All the remedy which these Bills propose by way of heightening the standard of integrity and wisdom, and fitness to follow the profession of patent agency, seems to be this of excommunication. It does not provide sufficient and meritorious means for holding wrongdoers in check.

2809. We are confining our attention to your statement that the Chartered Institute was not fit to be entrusted with administrative powers with reference to the control of the profession?—I make the same representation with regard to the committee or council of the society.

2810. We are dealing with the Institute of Patent Agents, first?—Then I wish to leave that. I do not wish to put anything more before you as to their unfitness.

2811. Now as to the Institute Bill: is there anything further with regard to that Bill?—As to the merits of the Institute Bill, it deals in an efficient manner only with the subject of excommunication for wrong-doing. On that point I maintain that such operations are contrary to the Bill of Rights, which forms a part of the constitution of this country of ours. I will give it to you in its own words, namely, that "no cruel and unusual punishments shall be inflicted," it does not matter whether they have been adopted by medical men or legal men; that is no reason why the words of Shylock should be applicable to me, and to other men: "You take my life when you do take the means whereby I live."

2812. That I quite understand?—I think weight ought to be allowed to that.

2813. We quite understand that if you are prevented from carrying on your business it is a very serious matter to you?—I am speaking now of that being a punitive measure for persons doing wrong; not for omitting to pay, but if they do wrong in the profession. Surely there is, I think, a way of dealing, and ought to be a way found, to deal with delinquents without taking, as it were, their professional life away from them.

2814. That is to say, that the power proposed to be conferred on some authority by the Bill, of withdrawing the licence to a patent agent to practise and carry on his business is too severe a power under any circumstances?—Under any circumstances.

2815. Supposing he is a dishonest man?—Supposing he is put in prison.

2816. Suppose he is a felon?—And when he comes out is he to have no means of getting a livelihood? Is he unfitted; is he disqualified and incapacitated for acting as a patent agent? He is unworthy of trust, but his ability remains the same.

2817. I do not think it is necessary to argue that?—I think it ought to be debated.

2818. I do not think it is necessary to elaborate that. What you have said I understand to represent your general objections to the Chartered Institute Bill?—Those are some of them, but I have another which I wish to deal with.

2819. Tell us what it is?—This Bill is inadequate to meet the wants of the profession in so far that it does not provide efficient means for checking, correcting, and remedying known evils. It does not propose any such thing. There is nothing remedial in it.

Chairman—continued.

2820. What do you mean by "known evils"?—Dishonesty.

2821. It proposes to remove the dishonest from the list of patent agents; to do what you, in fact, just now said ought not to be done under any circumstances, even for dishonesty?—It does not deal with it in a way that I think it might and ought to do.

2822. That is a matter of opinion?—It does not afford opportunities for complainers, the injured parties, bringing before the notice of the institute the cases of wrong-doing, the cases that they have to complain of. What I desire is that we all, all the agents in the kingdom, might combine to frame some better measure by which wrong-doers may be held in check.

2823. You think that if all the agents in the kingdom were to combine to frame a measure they could frame rather a better measure than this?—I do.

2824. Are those the objections which you have to the Chartered Institute Bill?—That it is deficient in those provisions which it ought to have. It deals chiefly, and almost solely, with this excommunicating element, which is just the thing that I think the institute has always desired, to close up the profession; to close it up even to honourable men.

2825. Are there any other objections which you have to make?—No. I think you have them in substance.

2826. In substance, that is what you wish to say?—I think you have the substance of it.

2827. Now with regard to the Society of Patent Agents and their Bill, the objections which you have raised against the Bill of the Chartered Institute of course will equally apply to the Society Bill. Is there anything in the Society Bill which differentiates it from the Institute Bill?—I understood you were not desirous of going into the technical construction and application of any of these sections.

2828. We want your general objection?—There is one broad objection to the society's Bill apart from all those which I have raised to the institute's Bill; that the construction of Section 14 is of such a character that it would render my son, who is a draughtsman employed in engineering work, and frequently engaged in making drawings illustrative of the inventions of his employers prepared for the Patent Office, it would lay my son open, if anybody chose to apply this section, to imprisonment.

2829. You think that it would be unfair to people in the position of your son, who are draughtsmen in engineers' works, and who intend to lay themselves out to assist inventors in obtaining patents?—He is daily assisting his employers in doing this. He is acting really for remuneration as a patent agent in that sense, that he is preparing the documents for his own employers, to be passed into the Patent Office.

2830. But assume that we did not recommend any legislation which would prevent draughtsmen assisting in the preparation of specifications, or prevent the same draughtsmen carrying the documents to the Patent Office, your objection would be removed, would not it?—It would.

Chairman—continued.

That is why I wish to draw your attention to the Bill.

Mr. *Mather.*

2831. That is not in the Bill promoted by the Chartered Institute?—No, it is not.

Sir *John Leng.*

2832. You object particularly to the words "who acts"?—Yes.

Chairman.

2833. Is there anything else in that Bill?—I am afraid I have omitted, in the general dealing with the other Bill, to mention one point which I think I ought to draw the attention of the Committee to.

2834. You had better finish with this Bill first, and then go back to the other. Is there anything further on this Bill of the Society of Patent Agents which you wish to say to us?—No; I have dealt with the question of fees on the other Bill. It applies to both.

2835. Now, you wish to supplement what you said in your earlier evidence with regard to the chartered institute Bill?—I do.

2836. What do you wish to say about that?—It is with reference to Section 6: "It shall not be lawful for the Comptroller General to receive any document relating to an application for a patent, or to the amendment of any specification, if such document be signed by any person or persons other than the applicant or applicants, or an authorised patent agent."

2837. You raised that question just now. That was the very question you raised just now in the case of your son?—No, there is another thing. It conflicts with Section 99 of the principal Act.

Sir *John Leng.*

2838. The Act of 1883?—Yes.

Chairman.

2839. You mean providing for the case of a declaration in the case of an infant or a lunatic, and so on?—Yes, and persons who are dead.

2840. You think it conflicts with that?—Yes.

2841. I think that you labour under a mistake there?—I thought it right to draw the attention of the Committee to it.

2842. An infant acts by his guardian, a lunatic acts by his caretaker or committee. I do not think you need apprehend any difficulty about that?—Well, I think I do not need to trouble the Committee with any further views.

2843. Do you mean to say that as a professional man and as a patent agent you do not think it would be, speaking broadly, from a professional point of view, a desirable thing that the profession should be efficiently organised?—I do, and I desire to do it.

2844. Do you think that could be done thoroughly and effectively without further legislative powers?—I do.

2845. You

Chairman—continued.

2845. You think it can be sufficiently done voluntarily?—Better, and without any friction.

2846. Do you think any examinations are required for patent agents in the future?—I do.

2847. Then if you think there should be examinations, you must admit the desirability of a register being made up, and of a register being recruited by examination?—Yes, I do.

2848. You think there should be examinations?—I do.

2849. Who is to hold those examinations?—Until we have legislation upon it, let it be in the body itself.

2850. How can the body itself establish and conduct examinations unless the body is organised?—You are speaking of that, and I say that I think it is both desirable and possible. It is possible to do it with less friction if it be voluntary than if done by this legislation.

2851. That is your opinion?—It is my opinion.

2852. And for that reason, and for that reason only, you object to legislation?—Oh, no; I hope that it will reach legislation when we are ripe for it, but the legislation which has already been effected was a surprise, to which all the profession did not contribute, a portion only of the profession contributed to it. They got it surreptitiously, and they have used it hurtfully to the body of agents outside the institute.

2853. In what way?—Received our money without giving any return for it.

2854. You say that is the injury which they have inflicted?—It is one. It has put many disabilities upon us, and it has not done what it should do as a return for that money.

2855. But assuming that the institute were widened in its operations to its full extent, so as to be comprehensive of the profession generally, or assuming that some other body were established representative of the profession, I suppose all those objections which you suggested would disappear?—They would disappear, especially if the broad lines which I have myself conceived, upon which such an organisation should be based or formed, were carried out.

2856. On the broad proposition I take it you now admit that sooner or later the profession should be organised?—Yes.

2857. That there should be some legislation to effectively organise it, not now, but hereafter?—No, but to concrete its affairs after the organisation has been carefully gone into and settled.

2858. And that then there should be a representative disciplinary body?—Yes.

2859. That undesirable men should be brought to account, and that men who misbehaved themselves should be punished?—Just so, by the present criminal proceedings and statutes, and not by new criminal Acts.

2860. You suggest that the people who are delinquents as patent agents should be left to be punished by the ordinary criminal laws?—Yes.

2861. Have you anything further to say?—Would you permit me to give you two lines from the Chartered Institute itself?

Chairman—continued.

2862. I do not think you need go into that. You have suggested the idea to us that instead of having special legislation of a penal character the delinquents in the profession should be handed over to the ordinary laws?—And the organisation or the body itself ought to assist the men who have been injured, their clients, in having all these things brought to light and adjusted.

2863. Do you represent any other patent agents besides yourself in the evidence that you have given?—I hold no retainer; I have not asked for any.

2864. How many patent agents are there to your knowledge in Scotland?—Very few in Scotland.

2865. How many are there in Glasgow?—I think there are about eleven now.

2866. I suppose there are some in Edinburgh?—No, not one. There is one in Dundee. There is not another in Scotland, I think, upon the register beyond the eleven which I think is the number in Glasgow and one in Dundee.

2867. I think you understood that you have been asked to come here and give evidence, first, because you were plaintiff in the case that has recently been decided by the House of Lords, or the pursuer?—No, I have been defender throughout and respondent in the House of Lords.

2868. And, secondly, because the Board of Trade wrote a letter in which they expressed an opinion that you should be called as a witness; and, thirdly, because you yourself desired to come here to give us the benefit of your opinion?—That is correct.

Mr. Mather.

2869. Have you read the evidence of the witness whom we have had from the Board of Trade on this inquiry?—I have not. I did not know that it was published and accessible.

2870. You are perhaps not aware that instead of the statement just made by you that these various powers of which you complain which have been conferred on the institute have been surreptitiously (I think that was the word you used) obtained, they are powers which the institute had put upon them against their own seeking, against their will in a certain measure, by the Board of Trade?—I did not simply refer to the rules. I referred to Section 1 in the Act of 1888, and perhaps if you will allow me to recall that word "surreptitiously," as it is not a suitable word, I would do so. What I meant was, that the obtaining of this legislation was without the knowledge of many men like myself who were busily engaged with their profession, and had no knowledge that these measures were being set on foot.

2871. Are you aware that this legislation was sought solely and alone by the Board of Trade?—I have evidence to the contrary in these books.

2872. In the evidence which was given when we last met on Tuesday Sir Courtenay Boyle, the Permanent Secretary to the Board of Trade, informed the Committee that without any influence whatsoever from any patent agent or agents, or society of patent agents, the Board of Trade were

Mr. *Mather*—continued.

were compelled, owing to the difficulties which surrounded this question of agency, to institute a departmental inquiry in 1885, which reported in 1887, in order to ascertain how the difficulties in connection with this patent agents' practice might be overcome; that it was a great injustice to the public to leave it in the condition it then was. That inquiry, I presume, you have read. It is of course accessible to the public?—I have a copy of it here.

2873. You will find in the Report which they made certain recommendations. Upon those recommendations you are aware that the Board of Trade itself took action and promoted the Bill of 1888?—Yes. But I have also a knowledge of facts which are in the "Transactions of the Institute of Patent Agents," that they had for years prior to that been soliciting and urging continuously upon the Board of Trade themselves to take up initial action; that it did not arise with the Board but with these people.

2874. I am telling you what occurred in this room last Tuesday. The permanent official of the Board of Trade distinctly stated that the initiative of all the proceedings which have brought us up to the present time in relation to legislation were the proceedings of the Board of Trade solely and alone, uninfluenced, so far as their action is concerned, by any consideration but that of the public benefit. That is our evidence and that is what we have to judge upon?—But does that mean that the whole movement was a spontaneous one on their part?

2875. The whole movement was absolutely spontaneous so far as the action of the Board of Trade was concerned. That is what we have had in evidence from the permanent officials of the Board of Trade?—Then I think I could put documentary evidence before you that would contradict that and disprove it, for which I am not responsible; but it is here.

2876. Of course, that may be; but so far as this Committee is concerned, all we have to do is to take the statement of permanent officials of a Department. We cannot go behind those gentlemen and ask them to prove how they were influenced in arriving at their conclusions. They tell us distinctly, on the simple question being put, that they were uninfluenced by any considerations but the public welfare. They possibly have sought information in making up their minds as to what ought to be done. They may have put questions to a patent agent or to a designs agent, or to a society of patent agents; but as far as we are concerned we can only take the evidence of permanent officials as to the motive of the parties which guided them in framing legislation during the last six or seven years. That is a fact which we cannot dispute?—Would you permit me, before leaving this matter, to say that the object and purpose I quite agree with, that they were uninfluenced by the idea of conferring any special privilege upon one body more than upon another. I quite agree with that; but the solicitation to adopt initial legislation came from another source to them.

2877. That they deny. Further, they were asked whether, after having obtained the Act of 1888, and under that Act having to undertake the responsibility of framing rules for the profession, the Society of Patent Agents or the institute then existing, and being the only corporate body representing patent agents in the empire, that body had approached them after the rules were passed for the purpose of getting the administration of those rules. They absolutely denied that?—That I believe.

2878. They approached the institute and asked the institute to undertake this on behalf of the profession?—I think that is true. I see no reason to question it.

2879. One of their rules deals with this important question of excommunication, which after all is, I think, the one that you want to impress the Committee with?—It is the most cruel of all, and most unjust.

2880. If we boil down all your evidence to-day I think it simply comes to this (pardon me saying so), that you object to what you call the principle of excommunication resting in any body whatsoever?—Or having any existence at all. It is unjust in itself.

2881. Either through an Act of Parliament or within the corporate powers of any body whatsoever constituted by Act of Parliament or chartered in any shape or form?—Contrary to the constitution of this realm.

2882. The only excommunication you would admit, as I understand it, is that a body of men all calling themselves patent agents shall unite unanimously, shall become one body unanimously, each member being part of it, and that only on the votes of that one body, representing each individual in the profession, shall the exercise of discipline ever be put into operation?—Oh, no. You have not heard me upon another point. I do not think that this centralisation in London meets our case at all. That is a branch of the question which must be dealt with.

2883. One point that you have impressed me with is that this power of excommunication is the only real objection you have either to these powers or to any propositions made for governing the profession?—I have given you a wrong impression then. That is the main one.

2884. I separate all the other ones. When I take away the flesh the bone is left?—But you are dealing with discipline.

2885. Your position is that you object to the power of excommunication being placed in the hands of anybody, either through an Act of Parliament or in any other way, except by voluntary combination?—I do. I do not agree to it even then. Excommunication is contrary to the law of God and man.

2886. If you and I were reconstructing human society we might have a great deal to say?—You are constructing something.

2887. We are proceeding here in the course of a gradual development towards arriving at the truth of this question as regards the governing of the Society of Patent Agents in the future?—Yes; my society if you like, or my profession.

2888. We are only building on what has gone before?—Yes. 2889. First

Mr. *Mather*—continued.

2889. First the Report of 1887, then the Act of 1888, under which this registration has been continued down to the present hour, then the difficulties which the Board of Trade have again represented to Parliament through their evidence here, as existing in carrying out the Act of 1888. These facts have brought us to another stage in the journey, and those chiefly interested, the patent agents have presented us with two means of relief from the difficulties of which the Board of Trade complains. The Board of Trade in giving evidence on these Bills has in one respect confirmed your view that there should be no exclusive right given to the Institute, that no absolute power should be exercised by anybody, because the permanent officials have desired, as appears by the evidence, that there should be an opportunity for agents not calling themselves patent agents and not being registered, but practically doing all the work of registered patent agents. They do not close the door against what you may call the free lances of the profession. I understand you would like the profession to be constituted entirely of free lances. You would like everyone to practise, irrespective of registration?—No; I think this registration is a good thing.

2890. Until you arrive at that stage when registration can be effected by the means you yourself have described?—Justly; with justice.

2891. We are face to face now with the fact that legislation is needed in the opinion of the majority of the profession. That you will not deny. It is strongly urged by the Board of Trade, it is advised seriously and earnestly by the officials of the Patent Office, by the Comptroller and his officials. Under these circumstances we are bound to make a movement forward in some direction, are we not?—I think so.

2892. You yourself also have admitted that legislation is needed, but you said the time is not ripe?—We are not agreed. We are all in disagreement at the present time. I plead "give us time to agree."

2893. Of course there has been a great deal of agreement?—It is an utter impossibility, squandered as we are, and scattered all over the country, it is an utter impossibility for us, unless time and opportunity for deliberation in our different centres be given to us, for us to come to an agreement. To centralise everything in London is too costly. Poor men like myself could not possibly pay the railway fare to come up. I could not. It takes me all my time to earn a living and keep my family.

2894. Do not you think that under these circumstances, after hearing your evidence and the evidence of those interested in this matter, we have now the best possible means of arriving at common consent?—But you have not got our views.

2895. Now we have?—I do not think so. Neither of these Bills contains my views.

2896. These Bills are submitted to us not for the purpose of endorsing one or the other. They are submitted to us for the purpose of taking evidence from the profession, and from all

Mr. *Mather*—continued.

interested in those Bills, and if we think proper of making such amendments as may enable a general Act to be passed, which shall be generally acceptable to the public and to the profession?—I would very much rather that this Committee should have remitted it back to the whole profession, and let the whole profession try to come to an agreement first.

2897. Already there has been a conference during our sittings?—So I understand. I have not attended it, nor had any invitation regarding it. They do not regard me as an agent.

Chairman.

2898. Did you have an invitation to go to a meeting of the profession at the Law Institution a few days ago?—No, the Institute itself ignores me. They never send me anything. They do not recognise me as a registered patent agent.

2899. As a fact, did not you receive within the last week a communication from the Chartered Institute of Patent Agents inviting you to attend a meeting at the Law Institution in London?—Certainly not.

Sir *John Leng.*

2900. Did you hear of any of the patent agents in Glasgow having been invited?—No. All I have heard was just outside in the lobby here that there had been a meeting somewhere this morning.

2901. Are you on the register at the present moment?—At the present moment, no.

2902. I do not gather that there was any intention to pass you over?—They ignore me in everything. I should not get a notice from the Institute of Patent Agents if it were not accidentally. A few years ago I purchased the practice of a man in Glasgow, who was a defaulter, and has absconded. His name is still on the register, and it is because they send the notices to him and they get delivered to me as his successor that I get to hear anything, or else the Institute absolutely ignores me.

Mr. *Mather.*

2903. With reference to this matter I think it is only right to say that it is quite possible that our instructions to the registrar of the Institute may have been accepted by him as meaning only registered patent agents. We made a recommendation that there should be a conference, and possibly he has taken it that only registered patent agents were to be called to that conference. I only offer that as a possible reason for your not having received a communication and invitation, if you are not on the register. I understand, anyhow, it is entirely in accordance with your own views that before legislation takes place under either of these Bills or under any Bill, there should be a conference of practically the whole profession to see if some harmonious mode of dealing with the difficulties could be arrived at?—Numerous conferences. I do not think one will do. It is impossible. There are too many things to discuss.

2904. You would not object if one conference settled the thing. You have no particular love

Mr. *Mather*—continued.

for a dozen conferences if one would do?—My own common sense satisfies me that they cannot be settled at one conference, unless there is long discussion and consideration prior to it.

2905. So far as the Committee have invited a conference during these proceedings of the whole profession of patent agents to discuss the difficulties that have arisen, that has your approval?—Yes, certainly.

2906. And if after such a conference such modifications and amendments may be suggested of one or other of these Bills as will represent the general feeling of the profession, whether you agree with it or not individually, that would be a matter in which you would acquiesce?—I should acquiesce. Would you hear me now on the particular proposition I should like to make?

Chairman.

2907. I think it would be better when you know which Bill is to be worked upon that you should send us any suggestions that you have to make, or send it to some member of the Committee who will consider it?—I wish you for a minute to listen to my proposition. I have been considering it for years, you know, and it seems to me the most practical one. I will not take up your time long.

Mr. *Mather.*

2908. You mean to say you would like to suggest to the Committee some method by which legislation may be avoided?—No, by which we may come to an agreement without the costliness of asking all the profession to come up here to conference in London.

2909. As the honourable Chairman has put it you will receive probably in the course of a few days a communication with one of these Bills and suggested amendments. When you receive that you might draw up a memorandum giving your views instead of stating them here now without the Bills, because I think your mind at present is so filled with what you consider the inconsistencies of these various Acts of Parliament with the proposals made in one or other of these two Bills?—Not inconsistencies but deficiencies.

2910. Perhaps when you see the recommendations in connection with one of these Bills made by the conference some of those objections of yours may fall to the ground, and you may then concentrate your time upon those that remain, and make such amendments and recommendations to us as we may consider before we give our final decision?—I should be very grateful for the opportunity.

Chairman.

2911. As you have not been invited to this conference, I think the gentlemen who represent the Institute here will understand that we wish the result of the deliberations of that conference communicated to you, in order that you may send to the Committee any observations you think fit to make upon it?—Thank you for that suggestion.

Sir *John Leng.*

2912. You withdrew the word "surreptitious" as somewhat too strong?—Unsuitable.

Sir *John Leng*—continued.

2913. And as not expressing your meaning with regard to the procedure of the Board of Trade in handing over the register and the examinations to the Chartered Institute. I presume you referred to the absence of publicity with which that was done without patent agents generally knowing that it was in progress?—Yes. It was not with regard to the rules alone, but with regard to the Act itself. I was unconscious of it. When the Act was passed I was quietly following my profession. The Act was passed, and I knew nothing of it till afterwards.

2914. That is the Act of 1888?—Yes.

2915. It was generally understood that all were aware of the Acts?—I was ignorant of it at the time.

2916. But you think even with regard to the Board of Trade rules, and the action of the Chartered Institute, if communications had been made with other patent agents before that was done, if the Board of Trade had received representations from the whole body of patent agents, they might possibly have come to some other decision?—Yes, I do. If the conference which is now proposed had then been proposed, I think many of the evils that now exist would have been out of the way.

2917. You said that there were, so far as you knew, only eleven patent agents in Glasgow?—Yes.

2918. Does that appear to you to be adequate to the population of the city, and its connection with inventions?—I think so, because some of us are only poor.

2919. You entered into this litigation with regard to the fees; would you explain a little more explicitly how you felt these fees to press upon you?—At the first as unwarranted by the Statute, and an unjust and illegal imposition. That was my first view.

2920. You disputed the legality of them?—Yes, at first.

2921. But you did not do that simply from a legal objection, did you? Had you not some practical objection to the amount of them?—Yes, that was my first objection; I say that there was no warrant for it in the statute; that it was a taxation not mentioned in the statute, and introduced into the rules, and that those rules had never received the sanction of the Treasury; that the money itself did not go to the Treasury, but that it went to a private society which gave me no benefits in return. The second thought was: how can I pay it; my difficulty is often to pay my premium on my life insurance policy.

2922. Do you think that the fees do bear heavily upon a number of patent agents?—I think they are excessive. There are many men poorer than myself. One gentleman in London wrote to me to say that he had not earned 1*l.* within the first four months of this year by his profession, and he had had a heavy loss in it besides.

2923. Is he a registered patent agent?—He is a patent agent on the register.

2924. Now, you say that you do not object either to registration or examination. Have you any idea how the expenses of registration and examination could be defrayed without some fees?

Sir *John Leng*—continued.

fees?—With regard to that, if it is a voluntary association, there must be expense, and every person must bear a share. I myself would not object, if it was a voluntary association and I entered into it, to undertake to pay my contribution with other people. My objection is that this is put upon me as an unjust and an illegal impost.

2925. Assuming there were a voluntary association, what power would it have either to exact fees or to enforce its own regulations?—Only the same as every other voluntary association has, where each member signs articles upon his admission consenting to abide by the bye-laws and regulations of that body or association.

2926. Then if a member of this association did not conform to its regulations and did not pay these fees, what other mode of procedure could there be, except that to which you have such a strong objection, excommunication?—The Law Courts, which can enforce payment as between debtor and creditor, and, as in the case of every other voluntary institution, the Law Courts are open to them to sue a man.

2927. But then this is a voluntary association, and supposing, I will not say Mr. Lockwood, but some other individual, a member of that association, refuses to pay the fees, or to conform to the regulations, and instead of going into the Law Courts he says, "I simply withdraw from your association," and sends in his resignation; how would you deal with him then?—If there was no Act of Parliament requiring him to be registered, then he might retire and continue to practice; but what I should like the association to be capable of doing would be this, that if that agent who has withdrawn and is unwilling to be governed by that association is found to be doing anything that is improper by his clients, or professionally, the profession itself should institute suitable action against him in the Law Courts.

2928. In fact you come back to an Act of Parliament to empower the Courts to carry out the rules and regulations and to enforce the payment of fees?—Under the existing statutes, but not making new ones; not creating new criminal laws.

2929. You think it should be done under the existing statutes?—Yes, they are all sufficient.

2930. Well, apparently one great objection has been to the action of the chartered institute, but assuming that the whole body of patent agents are consulted and do agree generally as to both the keeping of the register and the conducting of the examinations, that would very much meet your objection?—I should assent to it, and I am quite prepared to fall in with the view of the profession.

2931. Now, you spoke of the absence of remedial measures or proposals in these Bills?—I did.

2932. What kind of remedy can you apply to actual fraud and dishonesty?—A criminal prosecution.

2933. Sending a man to prison?—Yes; I would not ask you to spare a patent agent any more than any other man, but do not take him off the register when he has served the period of his imprisonment and returns again. It is to be

Sir *John Leng*—continued.

hoped that the punitive measure will have brought him to repentance, and we need fear no further transgression; but surely let him have the means of earning his livelihood. That is what I object to; you kill a man if you take away the man's power of earning his livelihood.

2934. But if he knew that it was at the peril of his name being taken off the register that he did such acts of fraud and embezzlement, taking money for applying for patents and never making the application, and putting the money into his own pocket; if that was before him when he committed these acts, do you think there is any reasonable objection to his being peremptorily excluded from the profession?—I do still, because I think that if punishment has any effect at all, it should lead to that man's repentance, and that he should come out of prison a better man than he went into it, and still fit to follow his profession. I think we must remember God's laws as well as man's laws, and I think that is contrary to God's law. We are told that if a man repents and forsakes his sin God is faithful and just to forgive him. Are we not to do the same? We must keep that spirit, and I want to impress and urge that upon this Committee. I do try to honour God myself, and follow and obey His laws.

Mr. *Nussey.*

2935. Some of the last witnesses have told us what a very deplorable state the profession of patent agents is in at the present time. Do you think that is correct?—The deplorable state of disagreement I do think is correct.

2936. I do not mean so much with regard to disagreement as with regard to their rectitude, and with regard to their efficiency and honesty?—Well, I have had some examples, and these examples, I think, I may say were all associated with the institute; the most grievous instances of inefficiency and dishonesty that have come to my knowledge.

2937. Those have been connected with members of the chartered institute?—Yes.

2938. But otherwise do you think that the profession is a fairly respectable one?—As respectable, I think, as the legal profession or the medical profession; I think so.

2939. Do you agree with the witnesses who say that it requires very high qualifications to be a patent agent. We have been told that?—No, otherwise I should be speaking in praise of myself. I do not think that it is essential that they should have very high qualifications, but I do think that they should have a qualification for understanding legal statutes. It is in that chiefly, I think, that I find my own fitness; my qualification for understanding the meaning of legal enactments, and for framing similar ones in the shape of specifications.

2940. We understand that you would institute some register for the future?—I think it is a good thing.

2941. You think it is desirable?—I think it is desirable in every way. It does us good.

2942. Do you think it is desirable to have an examination in connection with that?—I do, and if it were needful I would enter upon it myself, old man as I am.

 2943. Then

Mr. *Nussey*—continued.

2943. Then who do you think ought to conduct these examinations?—I think the profession itself, but not any one head centre.

2944. I suppose there should be an examining board chosen by the profession?—An examining board chosen by the profession in various localities. For instance, I should be certainly in favour of giving precedence to members of the chartered institute. If in Glasgow, for instance, where I am located, there should be a candidate desirous of being examined, let the board sit there. Let there be a board constituted, myself perhaps being put upon it, along with other patent agents, to examine this candidate, the pre-eminence being given to the worthiest and most capable local man connected with the institute to examine the candidate there and report.

2945. You would not have a central examination?—No, I would not; it is too costly; the candidate must in that case come up here, and if he is a poor man look at what the railway fares and the expenses are.

2946. But it would be very difficult to get a uniform standard of examination in that way?—I think there should be a uniform standard.

2947. But it would be very difficult to attain that if you had one examination in Glasgow and the next in London, and conducted by a different board, and conducted in a different way?—I think not, if the papers were prescribed from the head centre.

2948. The papers would be prescribed then?—Yes, and then it is only a question of integrity of carrying out the examination just the same as in drawing examinations in connection with schools all over the country. I myself have been an examiner, and conducted them, and seen that the pupils in the schools have come up to the standard.

2949. Do not you think that this examination, if it was conducted entirely by the profession, might have a tendency to get harder each year, and so exclude candidates?—I think that there should be a remedy open for that, so that if it was getting too severe there should be a power of representation from all centres.

2950. You see, the harder you make the examination the more people are deterred from going in for it?—It becomes cruel then.

2951. In that way you would form a very close corporation with regard to patent agents?—Yes, it would be repressive, and ought not to be so. I think the examination standard ought to be such as to assist persons coming in, just remembering that we deal with them as we ourselves would have liked to have been dealt with when we entered. I, at the commencement, in 1884, of this profession, could not then have stood the examination. I could now; neither would I submit a young candidate to such a test as I might give him.

2952. Then I think you said one of your objections to both these Bills is that they do not include trade marks agents?—Agents for the registration of trade marks.

2953. Is it true that there are a large number of trade marks agents who also do patent work?—Yes, who combine the two.

2954. The two professions are almost on parallel lines?—They ought to belong to each other; I myself find far greater acumen required in obtaining the registration of a trade mark than is required to procure a good sound patent and construct a good sound specification. It is far more difficult to get a trade mark registered than it is to get an invention patented.

Mr. *Nussey*—continued.

2955. That is rather contrary to some of the evidence we have had here. We have had some evidence to that effect, but I think some of the witnesses said it required much greater qualifications to be an efficient patent agent than to be a trade marks agent. Therefore the examination ought not to be the same for both?—There is a greater amount of professional knowledge required on behalf of a patent agent than on behalf of a trade marks agent; but still we have more knotty questions submitted to us at the Patent Office in getting the registration of a trade mark than in getting a patent. Patents are like A B C as compared with trade marks.

2956. But you think, on consideration of the whole matter, the two professions of trade marks agents and patent agents might be very well lumped together?—They ought to be. I do not think they ought to be severed. I think that these Acts ought specifically to deal with trade marks registration agents as well as patent agents.

Mr. *Warmington.*

2957. In taking out a trade mark is it necessary that a man should have any knowledge of chemistry, electricity, or machinery?—No.

2958. Is it desirable that a patent agent, before he can take out a patent, should have that knowledge?—It is desirable; he is better qualified.

2959. Can he rightly advise any man who is taking out a patent for a chemical matter unless he has a knowledge of chemistry himself?—No.

2960. Can he rightly advise a client who is taking out a patent for some electrical device it he has no knowledge of electricity himself?—No.

2961. Can he take out a patent properly for a machine unless he has some knowledge of machinery?—No, he cannot properly.

2962. Surely then you require for a patent agent more extensive knowledge?—A rudimentary knowledge is really necessary.

2963. Do you say a rudimentary knowledge?—Yes; I say it is really necessary, and the greater amount of knowledge he possesses the more efficient he is for the work.

2964. You do not suggest that that knowledge is necessary with regard to taking out a trade mark?—I have not said so.

2965. Now you mentioned one thing about some complaint about the members of the Chartered Institute. Have you ever made complaint to the institute themselves of these members?—No, I have nothing to do with lodging complaints there.

2966. Why not; if a member of the Chartered Institute has behaved, as you consider, improperly why not complain to the Chartered Institute about it?—It is not my business.

2967. I am not asking you whether it has been your business; I asked you why you did not do

Mr. *Warmington*—continued.

do it?—Because in one case the thing was passed and over before it came to my knowledge. Whether the Chartered Institute did deal with that or not I do not know.

2968. You have not even taken the pains to inquire?—It was not necessary. The matter that you referred to just now was in answer to a question put to me just recently as to whether I thought the condition of the profession was that it was in a state of turpitude, or something to that effect, meaning that it was in a deplorable state.

2969. You made no complaint to the Chartered Institute yourself?—Oh, no.

2970. You have mentioned that your objections to certain fees were that they were not warranted by Statute and illegal?—Yes.

2971. You have been set right in regard to that by the House of Lords?—I would rather you would not ask me about that, because until I get the terms of the interlocutor and see what they have decided, I cannot give an intelligent answer, and I am not going to commit myself to any admission of anything I do not know.

Mr. *Warmington*—continued.

Mr. *Alban Gibbs.*

2972. You said with regard to the Bill promoted by the society, that Bill provides for the whole profession; that is to say, the whole registered profession electing a council, who would arrange both discipline and other things?—Yes.

2973. Does not that meet what you said you wished, that it should be done by the consent of the whole profession?—It does.

2974. Then in that respect you do not object to that?—No, I do not.

2975. You prefer that Bill to the Bill of the Institute?—That Bill is the best of the two, far the best. It is deficient, but it has some very good points in it.

Mr. THOMAS WILKINS, called in; and Examined.

Chairman.

2976. I BELIEVE you are a registered patent agent?—I am.

2977. And you carry on business at 21, Great St. Helens, in the City of London?—I do.

2978. You are a member I believe of the Society of Patent Agents?—I am.

2979. And you are in co-operation with Mr. Gadd and Mr. Fairfax, who are the leading members of that Society?—Yes.

2980. I believe you desire to supplement the evidence which they have given by some statements which you wish to make to the Committee?—I should like to.

2981. Will you kindly, as concisely as you can, add to the evidence they have given any facts or statements which you wish to put before us. Do not go over the same ground that those witnesses travelled over, because we assume that you concur in the main with what those gentlemen have told us?—Just so. In the first place, at the meeting that Mr. Lockwood called at which the Committee of Patent Agents was appointed, of which I was asked to act as chairman, a resolution was adopted to the following effect: "That the patent agents present form themselves into a committee to promote the incorporation of patent agents in a body, open to all members of the profession, and to call a meeting, to be held at a date to be fixed by the committee, and that the committee have power to add registered patent agents to their number."

2982. What was the date of that meeting?—Mr. Lockwood's meeting was dated the 16th September 1892, and then we adjourned.

2983. That meeting resulted in the formation of your committee, and in the subsequent formation of the Society of Patent Agents, did not it?—The Society was formed, I should think, a full year afterwards.

2984. But they were consecutive acts—the meeting, the Committee, and subsequently the Society?—The Society does not embrace the whole of the Committee, only a small portion.

Chairman—continued.

2985. But it came out of the Committee?—Yes.

2986. Practically the Society covers the whole of that organisation?—Hardly so.

2987. Is there any body of men who met at that meeting outside the Society?—Oh, there are a number of gentlemen who belong to that Committee who do not go quite so far as the Society goes.

2988. Are they in any way organised?—Only that they still remain as a committee.

2989. Do you mean to say that there is still a committee that came out of this meeting, in existence, as well as the Society of Patent Agents?—Certainly.

2990. An active and live Committee?—Certainly.

2991. Of which you are Chairman?—Yes.

2992. How many does that consist of?—I should think about 30 or 40 men.

2993. There are 30 or 40 men who are associated with and constitute this Committee, who are registered patent agents and who do not belong to the Institute or to the Society?—Some of them belong to the Society; none of them belong to the Institute.

2994. Have you a list of those people?—I have a list of the first number.

2995. But I mean of the present members because you say this Committee is a live body?—Yes.

2996. Of the present members of the committee have you a list?—They are all still members of the committee including those of them who have become members of the Society.

2997. You are the chairman of this committee?—I am still the chairman.

2998. How many members of this committee are in existence who do not belong to the Institute or to the Society?—I should think there

Chairman—continued.

there are between 20 and 30 of them still at the least.

2999. Have you a list of them?—I have not a list of them to distinguish them from the members of the society.

3000. When did they last hold a meeting?—We had a meeting about a month ago.

3001. How many attended?—A meeting of the council, not of the committee; a meeting of the executive committee.

3002. Then there is a general body, and then there is an executive committee?—A general body and an executive committee.

3003. How many members constitute the executive committee?—I forget exactly, but I think there are about eight.

3004. The body of electors are some 20 now (we have reduced it to 20), and they elect an executive eight?—Yes, they did elect an executive eight.

Mr. *Warmington.*

3005. They are not elected by the 20 but by the whole body; by the 30?—Yes; it is the old executive committee.

Chairman.

3006. You have reduced the number to 20 or 30, it was a larger number before. This is a new organisation started upon us. I understand that there was a meeting of patent agents not connected with the Institute?—Certainly.

3007. That meeting formed a committee?—It did.

3008. That committee developed into the society of patent agents who are here, and who are represented by Mr. Gadd and Mr. Fairfax. Now you suggest that there is a third body organised, a committee which I understand amounted to 30 or 40 members?—There were at first.

3009. Now you have corrected it by saying that it was reduced to 20 or 30, and that those 20 or 30 appointed an executive committee. I want to ascertain whether this is a live and existing body of any representative character?—If you will allow me to explain, this committee that I told you of was appointed at that meeting of the 16th September 1892, to which I alluded just now. It communicated with agents throughout the country and informed them of what transpired at the meeting, and co-optated all who wished to join the committee. Subsequently, about six months later, there was a movement on the part of some of the members of that committee and some patent agents, who were not members of that committee, to form a society of patent agents, and that society was formed by those men. The committee used its influence to a certain extent in guiding the formation of the society, but the committee has never ceased to exist, because the committee has a petition before the Privy Council, signed by a large number of patent agents, with respect to those draft bye-laws, and we do not intend to disband until the Privy Council has settled the question of these draft bye-laws.

3010. Then the committee that you refer to has remained in existence for the purpose of representing the views of its members to the Privy Council with regard to those proposed bye-laws?—Certainly.

Chairman—continued.

3011. Is that the only object of the committee?—Chiefly.

3012. And on that committee you say that there are gentlemen who did not join the society when it was formed?—Yes.

3013. Now, is that committee a live and active and existing body?—Certainly.

3014. It has an executive committee, you say, of seven or eight?—Yes.

3015. When was the date of the last meeting of the full committee?—The last meeting of the full committee was at the time that the society was formed. It was on the 24th October 1893.

3016. Where did they meet?—At the Outer Temple.

3017. How many were present?—I really forget now.

3018. Have you any minutes?—Yes.

3019. Would you kindly refer to them?—I have not got them here.

3020. Are there officials of that committee besides yourself as chairman?—Yes; there is a treasurer and a secretary.

3021. Who is the treasurer?—Mr. Fairfax is treasurer.

3022. Who is the secretary?—Mr. Barker is the secretary, the secretary of the society. He is still the secretary of the committee.

3023. And the full committee have not met since the society was formed?—Not the full committee.

3024. The executive committee has met how many times?—Well, it has met, I should think, half-a-dozen times.

3025. What has been the business that it has met for?—To consider this question of Lockwood's case, and whether we should render him any pecuniary assistance and various things.

3026. Are all the eight members of the society?—I do not think they are. I know one is not.

3027. Are the other seven?—I really could not tell you just at the minute. I have not got the seven.

3028. Be frank with us, because we want to see whether there is any organised body of patent agents in existence outside the Institute of the society?—I will prepare and send you a list of the names.

3029. But does not that society really represent the views of this committee?—No, I do not think it does altogether.

3030. In what respect does it not represent the views of the committee; our object is to see that we have got all the representative and organised bodies representing the patent agents?—I think some of the members of that committee were averse to the formation of the society.

3031. In what respect does the committee as a body differ from the society; the committee formed the society, the committee is the father of the society; in what respect does the father differ from the child with regard to these Bills?—We have tried in our Bill to embrace the views of all agents.

3032. What do you mean by "our Bill;" do you mean the Bill of the society?—Yes; in the society's

Chairman—continued.

society's Bill we have tried to embrace the views of everybody.

3033. In what respect does this committee which you set up differ from the society which the committee itself was instrumental in forming?—It only differs in its numbers; it has a different *personnel.*

3034. That is to say, there are some members of the committee who do not belong to the society which you formed?—Yes, to that extent; and then there is a difference in opinion as to the best method to get over the difficulties that exist.

3035. What is the character of the difference between the committee and the society?—There are two opinions. There are some who seek to embody all of us in the Chartered Institute, and there are some who would seek to have no Parliamentary body at all, but to go on under the existing law.

3036. But that is the only difference?—That is the chief difference.

3037. What are the relative proportions in this committee as between those who would like the Chartered Institute to extend its operations so as to comprise the whole profession, and those who wish to be left alone, and do not want the Chartered Institute or anything else?—I should think the number in favour of joining with the Chartered Institute is the larger.

3038. To which section do you belong?—I was always in favour of joining with the Institute.

3039. Now as to the gentlemen you refer to as the smaller section, how many of those gentlemen are there?—Well, I have got here a lot of questions that were put to them and their answers.

3040. How many are there?—These are little details that I cannot very well carry in my mind. I did not expect to be asked these questions.

3041. Is it not a fact that really the society represents in the main the general views of this committee to which you refer?—We have endeavoured to do so. That has been our object.

3042. Then may we take it that the evidence given on behalf of the society is practically the opinion of this committee?—I think so.

3043. There is really no substantial difference between you?—Except in so far as I have indicated.

3044. Only to that extent?—Yes.

3045. Now, you come here, I suppose, to support the evidence of Mr. Gadd and Mr. Fairfax?—To supplement it, I think, rather than to support it.

3046. I think we may dismiss the suggestion that arose out of your evidence that there is a third organised body with whom we have to deal, may we not?—We do not want to be represented in any special way more than we are represented.

3047. Now, will you tell us what facts and arguments you wish to put before us, in addition to the facts and arguments which were put before us very ably and very fully by Mr. Gadd and Mr. Fairfax?—Some of the chief things which I wanted to draw attention to were practically to show that those things that the Institute were

Chairman—continued.

complaining of as being done by registered agents, the members of the Institute themselves did.

Mr. *Mather.*

3048. You mean the delinquencies?—It is rather with respect to the "advertising scoundrel" part of the evidence, you know.

3049. It is the question of recrimination, really?—I do not want to recriminate at all.

Chairman.

3050. I believe you have in your possession a circular from a well known firm of registered patent agents, who are members of the Chartered Institute, in which that firm asks an inventor who chose to file his own specification, and to act for himself, to employ them, or to employ some other chartered patent agent?—An inventor who was actually employing a registered agent.

3051. You do not go so far as to say that that was known to the firm sending out the circular, do you?—Well, it was not a circular; it was a type-written letter.

3052. Then you have in your possession another letter in which a similar circular, I will not say of a touting character, but a similar circular was sent out by another registered patent agent?—Yes.

3053. Do you go any farther than that?—Well, I have had put into my hands a newspaper containing the name of Mr. Lloyd Wise. It is in connection with an advertisement by an agent in the country.

3054. Put the advertisement in if you mention the gentleman's name. I think what you mean to suggest is that one or two of the witnesses who came here and complained of what they described as unprofessional practices, they themselves, or those whom they represent, had done the very thing in former years that they now complain of?—Yes; it is an advertisement.

3055. What does the advertisement say?—"T. J. Danson, Fellow of the Institute of Patent Agents; chartered patent agent, established 1874, 2, St. Nicholas Buildings. Circulars and preliminary advice gratis. London agent, W. Lloyd Wise, 46, Lincoln's Inn Fields."

3056. That appeared in what paper?—In the "Newcastle Weekly Chronicle" of June 9th, 1894.

3057. You do not mean to say, of course, that that is anything illegal?—Certainly not.

3058. You only suggest that it is not carrying on business in the high-toned way in which some of the witnesses recommended here, that the business of a patent agent should be conducted in?—That is all.

Mr. *Mather.*

3059. Do you suggest that that was by Mr. Lloyd Wise's recommendation?—Hardly.

Chairman.

3060. Is there anything else you wish to tell us?—Not on that point. I have drawn your attention to the books, with certain extracts in, which are issued by patent agents.

3061. Do you think it is desirable to go into these matters when there is an effort being made

Chairman—continued.

at the suggestion of the Committee to smooth over difficulties, and to bring the agents together, so that they may sit down as men of business in a sensible way to see if they cannot put before the Committee some amendments to one of the Bills, which can be dealt with by us in a practical way. Do you think it is an advisable thing to go into these personal matters?—The only wish that I have in the matter is this. This evidence that is taken before the Committee will be on record, and I do not want it to be a one-sided record. That is the only wish I have.

3062. Do you think it is desirable to go into these things?—Well, I am perfectly willing to drop the matter.

3063. We will take it that possibly there may be among the chartered patent agents some gentlemen who are not always, in all the many transactions which they have, particularly careful to avoid what, let us hope, is an accidental breach of that high-toned professional mode of carrying on business which you say should prevail.

Sir John *Leng.*

3064. But do not you go rather further than that. Do you not complain that there has been something like a systematic disparagement by the members of the Chartered Institute of those who are simply registered patent agents?—Yes; that is, in their books, and in the pamphlets which they issue.

3065. And in their circulars?—And in their circulars.

3066. While I agree with the Chairman as to not going further, if necessary you could produce several instances in which that tone has been adopted?—Many instances.

Chairman.

3067. I suppose you say that the Institute has not been quite so considerate of members not belonging to it as they have been of their own members?—I would not say the Institute, I would say members of the Institute.

3068. That is a fairer way of putting it. Of course you cannot expect perfection from individual members?—No.

Mr. *Warmington.*

3069. I should like to know this. You say that you have got instances of members of the Institute having been guilty of unprofessional conduct?—"Disparagement," I was asked about.

3070. I put it "unprofessional conduct." Do you go so far as to say that?—Well, it must be unprofessional to do that sort of thing.

3071. Have you ever complained to the Institute of such unprofessional conduct?—Yes, I have.

3072. When?—The deputation of the committee that the Institute received took one of these letters and left it with the Institute for them to inquire into.

Mr. *Warmington*—continued.

3073. You mean some years ago?—No, no, it is not some years ago.

3074. When was it?—In October 1892; since this matter has arisen.

3075. Then you referred to this occurrence at Newcastle. Do you suggest that that advertisement in that paper was issued with the cognisance of Mr. Lloyd Wise?—I should hardly think it was issued with his cognisance.

3076. Have you ever asked him?—I have not had an opportunity.

Chairman.

3077. Do you think it is fair to Mr. Lloyd Wise to come here and suggest this, and bring in his name, without ascertaining whether it was done with his consent or not?—Well, it was only put into my hands this morning. I do not wish to make any suggestion.

3078. This only shows the undesirability of making these insinuations and suggestions of a personal character, which give a good deal of pain, and are calculated to annoy?—Well, I do not think the other side would consider the pain they have given.

3079. There ought to be no "other side." We do not want any "other side" suggested in dealing with this matter. Our wish is to ascertain from all sides their opinions upon the matters which are before us, and under our consideration?—Perhaps you might like to have a complete set of the papers that the committee have issued (*handing in same*).

3080. Is there anything else, beyond what you have said, that you wish to tell us, which has not been told us already by Mr. Fairfax and Mr. Gadd?—I should like to put in a list that is issued by the Institute of their fellows (*handing in same*).

3081. But there is no harm in this, is there?—No; except that it shows the inadvisability of there being an institute keeping a register as distinguished from registered agents.

3082. This is simply a list of the names and addresses of the fellows of the Chartered Institute of Patent Agents. Why should not they publish a list as well as any other society?—I do not see why they should not all, but the objection is this——

3083. Then why put it upon our Notes; why encumber our Notes with a matter which has no practical bearing on our inquiry?—This will have a practical bearing on your inquiry.

3084. Then tell us what practical bearing it has?—If an inventor goes to the Patent Office, and is unable to do his work, and asks for some guidance, he has to find out who are agents, and he is usually sent to the Institute to inquire.

3085. Do you know this?—Yes; I have spoken to Mr. Graham about it.

3086. Do you say that the Comptroller, or any of the officials of the Patent Office send inventors, or people who want advice, over to the Institute?—From inquiries I have made at the Patent Office it is so.

3087. It sends them over, if they ask for a patent

Chairman—continued.

patent agent, to the Institute?—Yes. It says "You had better go and inquire at the Institute."

3088. Do you know that as a fact?—Yes.

3089. You know the people who have been sent?—I have had agents tell me of people who have been sent.

3090. Do you know it of your own knowledge?—No, I do not know it of my own knowledge.

3091. Has any person or inventor ever told you that he has been to the Patent Office, and finding difficulties in the business he had to transact there, asked for advice as to a patent agent and been sent by the Government officials over to the Institute of Patent Agents?—When I spoke to Mr. Graham about it he admitted it.

Mr. *Alban Gibbs.*

3092. Would it not be that they said that the Institute kept the register and that he had better inquire there?—Just so.

Chairman.

3093. Is that a very unreasonable thing?—No. I do not think it is unreasonable at all.

3094. Then why do you mention it?—Because I want to point out that by entrusting the register to a body that is not comprehensive of all there must of necessity, without any intention on the part of Mr. Graham or anybody belonging to the Institute, arise a spirit of favouritism and of privilege to the members of the Institute.

3095. But I believe you have been in the room during the whole of this inquiry, nearly?—I have.

3096. Have not you, from the questions which you have heard members of this Committee put, gathered that this is the general feeling of the Committee, that whatever body is entrusted with the register and disciplinary powers and authority, it should be a representative body of all the profession?—I am quite aware of that, and I appreciate it.

3097. What is the use of giving us this sort of evidence?—It seems to me that the use of it is to have it on record; that has been my chief reason.

3098. We have got it on record, and you see that the idea is present to our minds. What is the use of occupying your time and ours by going into these matters again? Is there anything else which you wish to tell us?—I should like you to take this list of designations on the register. (*Handing in the same.*) Of 61 persons on the register distinguished as members of some society or holding University distinctions (excluding that of "Fellow of the Chartered Institute of Patent Agents"), 39 are non-members of the Institute; 22 are members.

Chairman—continued.

The analysis is as follows:

No.	———	Not Fellows of the Institute.	Fellows of the Institute.
32	Members of the Institute of Mechanical Engineers	22	10
14	Associate Members of the Institute of Civil Engineers	7	7
8	Associates of the Institution of Civil Engineers	1	7
3	Members of the Iron and Steel Institute	1	3
2	Members of the Institute of Naval Architects	2	None.
4	Members of the Institution of Electrical Engineers	2	2
4	Whitworth Scholars	4	None.
4	Fellows of the Chemical Society	4	"
1	Doctor of Science, London	1	"
2	Doctors of Laws	2	"
1	Bachelor of Laws	1	"
3	Masters of Arts	2	1
3	Bachelors of Arts	2	1
81	———	51	30

3099. This list only shows that on the register, taking 81 persons who are members of some other recognised professional body, 51 are not members of the Institute and 30 are members of the institute. It shows that there are members outside the Institute of Patent Agents who have qualifications as well as members inside the institute. That is the object for which it is handed in, is it not?—That is the object.

3100. Is there anything else you wish to mention?—You are asked to confirm the charter and bye-laws, and there are points in these bye-laws and in the charter itself.

3101. In the proposed bye-laws?—Yes, in the proposed bye-laws.

3102. What are the points shortly?—Well, there is a privilege given to the pupils of Institute agents which is not given to the pupils of registered agents. The pupils of registered agents are not to be allowed to attend the lecture courses or things of that kind that the Institute chooses to establish.

3103. That is to say, that the lectures given by the Institute are reserved for the articled pupils of the members of the Institute?—Just so.

3104. Is there anything else?—The petition to the Privy Council to which I have referred against the draft bye-laws that was sent in by the Committee was signed by 65 persons I find.

3105. That petition will state the views of your society?—That states our views with reference to these bye-laws.

3106. Those are your views?—Those are our views.

3107. Is there anything else you wish to tell us?—I should like to say something with respect to the examination if I might. I do not see

Chairman—continued.

myself why the Board of Trade should not conduct these examinations if a representative council cannot be agreed.

3108. But assuming a representative council could be arranged for, you do not suggest the Board of Trade, do you, in preference?—Excepting that we should have an appeal to the Board of Trade on the nature of the examination; that the Board of Trade should supervise the nature of the examinations.

3109. Suppose we settled the nature of the examinations?—Do you mean supposing Parliament settled it?

3110. Yes?—If Parliament indicates what a man is to be examined in, I have no objection to that.

3111. But if not, you would suggest that the Board of Trade or some other authority than the Institute should have a controlling voice in the nature of the examinations?—In the nature of the examination.

3112. Do you suggest that the examination is too stiff or too strict?—No, I do not think that. I think it rather was perhaps in making one subject optional and another not optional. I noticed that in the first set of papers.

3113. That is a detail rather, is not it?—Yes, I do not think they give very much strength to the science side of the question. Most of their papers are optional.

3114. You have given some attention to these Bills, I should judge by a very elaborate synopsis that you have sent to me of the two Bills?—I have tried to do so.

3115. But in the main the Bills follow the same lines, except as to the constitution of the governing body of the profession?—To some extent. Our chief difference is that I think our Bill is a little more elastic than the Institute Bill.

3116. The Institute Bill wishes the Institute to be fully recognised. You would wish there to be a new controlling body to be established by election from the whole profession?—That is all.

3117. That is the only difference?—Yes. We do not wish that the society should be endowed with those powers.

3118. It is not of any consequence to you whether the controlling body is in accordance with the suggestions of the Institute or your own suggestions, provided the body, whatever it is, is fairly representative of the whole profession?—That it should be fairly representative of the whole profession is what we seek.

3119. You have nothing else to tell us?—I do not know that there is anything which occurs to me just at the moment. I will give you a set of the papers of the society that has been prepared. They have not been handed in I think.

Mr. *Mather.*

3120. Do you think there is any reason for the members of the profession as a whole not joining the Institute other than the very high amount of fees?—Well, I think one great objection on the part of people seeking to join the Institute has been that they have not liked to go round begging to be admitted.

Mr. *Mather*—continued.

3121. Do you mean that they have not cared to qualify for membership?—No, what I mean is this, that a man does not care to go to five or six different firms in his trade and beg them to nominate him, especially when we know that refusals are thick.

3122. I am a member of many kindred societies, but I found it necessary to move my friends when I was proposed and seconded and supported. Someone had to do it for me. I certainly was supported and approved by a certain number of members before I could become admitted as a member of certain societies?—I can understand that with respect to societies.

3123. It is a very common practice. The only practice I know anything about?—I am quite aware of that, where there is no compulsory register or anything of that kind, and I should quite agree with it, but there is nothing of that kind when a man wants to be examined if he is going to be a shipmaster, or a mate, or an engineer on a steamship.

3124. But my question was whether in the profession there was any difficulty in becoming a member of the Institute, except being proposed and seconded and supported by members of that body other than the payment of the fee?—I think that men do not like to run the risk of two black balls in a general meeting refusing them.

3125. But these risks of course are the common risks of all elective positions?—I am perfectly aware of that, and so far as the Institute as an institute is concerned, they are perfectly right to make these regulations for themselves and for anybody who wishes to join them, but when they go beyond that and ask to be entrusted with the governing powers of the profession, I object to that kind of thing.

3126. Do you mean that in the Bill which they have promoted they ask that the powers already conferred upon them by the Board of Trade may become sanctioned by an Act of Parliament?—Yes and the charter too.

3127. And you object to that?—I think so.

3128. But you have heard it suggested from time to time during this Committee's investigations that the governing body of the future, under the Chartered Institute's Bill, should be a composite body representing members outside the Institute as well as inside the Institute. If that were done, would it meet your objection?—I do not care whether it is a composite body or a body elected on a suffrage of the profession, that is to say I do not care whether the Institute elects a certain number and the other registered agents elect a certain number, that is a matter I think of minor detail; but what I do say is this, that the body which is to keep the register and which is to deal with the discipline of the profession, and to examine new members, must be a fairly and honestly representative body.

3129. Open to the whole profession?—Open to the whole profession.

3130. That has been suggested. That is what you mean?—That is the length that we go in our Bill. I would say this, too, that that Bill was not framed to be presented to this House as it stands. It was framed on the suggestion of Sir Courtenay Boyle and Mr. Hopwood,

Mr. *Mather*—continued.

Hopwood, and their suggestion was that there should be a conference. The Institute were preparing a Bill, and it was suggested that we should do the same. We did it, and down to within a fortnight of the commencement of the present Session we had taken no steps, even to get the Bill put into proper shape to go before Parliament. Our wish has always been to meet and try and find some common ground of understanding acceptable to all.

3131. That common ground you think now may be found in the Bill of the Chartered Institute, subject to amendments to be suggested by yourselves and others, or by us sitting round this table, and that may be taken as a foundation for future legislation?--Well, Sir Courtenay Boyle said the other day that the Board of Trade hoped the Institute would rise to the position, and that there would be a widening, and that notwithstanding what had passed, he continued to hope that; but I cannot say that I have that hope. We have been all the morning trying to arrange it at this conference; but we have done nothing at present.

3132. But if, on the one hand, the hope is expressed that the Institute will rise to the occasion, I presume we may expect the Society is anxious to rise also, and that they will be in a better condition of mind than they have been in for some time past so as to arrive at some practical results after this long investigation?—I think we have proposed in our Bill the very course which the Committee seems to approve, that is to say, a council representative of the whole profession.

3133. That is the principle, that there should be a representative council. How it may be composed is a matter which will have to be considered, but that there should be a representative council you are all agreed upon?—Yes.

Sir *John Leng.*

3134. As a registered patent agent you would be invited to the conference the other day?—I was.

3135. And you would assist in the appointment of members on the committee?—Yes.

3136. You stated that persons going to the Patent Office and requesting to be informed as to a patent agent were referred to the Chartered Institute?—Yes, they are sent across to the Institute generally.

3137. Have you heard of a case or cases like this, that when a person goes to the Patent Office asking to be recommended to a good agent, he is referred to the Institute for a list of registered agents, but at the Institute a list of chartered agents is given him and he is told he can buy the list of registered agents?—I have spoken to Mr. Graham about that matter, and I quite understand how it arises. It arises in that way——

3138. But that is what you understand to be the state of the facts?—But it is not so bald as that. It arises in a perfectly fair way; I will say that as far as Mr. Graham is concerned. You must recollect that Mr. Graham has a duplicate position; he is secretary and registrar,

Sir *John Leng*—continued.

and it is a very difficult matter when a man goes there and says, "Well, who are the registered agents and what is the difference between the chartered agents and the registered agents," it is a very difficult matter for a man to guard himself and be perfectly fair to both.

3139. You wish to make no reflection whatever upon Mr. Graham?—Certainly; it is farthest from my mind to make any reflection upon anybody if I can help it.

3140. You used the words that as a member of the Committee you were in favour of joining the Institute. I presume you do not mean precisely on its present footing?—Certainly not; on its seeking some common ground of amity.

3141. You mean that the Chartered Institute should be regarded as the nucleus of a larger and more comprehensive association?—Just so.

3142. That is your idea?—Yes.

3143. Now, without going into any personal matters, you reiterate your complaints that Fellows of the Institute have made depreciatory public references, some in books and some in circulars, to ordinary registered patent agents?—Yes, and even in newspaper articles as well.

3144. Do you recognise this quotation: "Inventors should distinguish between Chartered Patent Agents, Fellows of the Chartered Institute of Patent Agents, and the so-called registered patent agents. Every patent agent is a registered patent agent; only those who have attained to a certain professional position are eligible for the Fellowship of the Chartered Institute"?—I recognise the quotation.

3145. That is in a book which has been issued by a chartered patent agent, and that is the publication (*handing same to witness*)?—That is the book.

3146. And do you also recognise this: "It behoves inventors to be more cautious than ever in selection of a patent agent, and they would do wisely to limit their inquiries to members of the Institute of Patent Agents." Do you recognise that?—Yes, that is in this book (*producing same*).

3147. There is only one other passage to which I will refer: "As Chartered Patent Agents of very considerable experience we can certainly render you far better service than you can obtain at any provincial agency, and at no increase of expense." Is that from a circular issued by a Fellow of the Chartered Institute of Patent Agents?—That was the letter I told you was left with the Council of the Institute of Patent Agents.

3148. The registered patent agents naturally feel sore that statements like these should be published in popular books and intended for distribution among inventors applying for patents and sent out with circulars to inventors in the country?—That is so. We do feel very sore about it.

3149. Therefore you think it desirable that in the future the registration should be so con-

Sir *John Leng*—continued.

ducted that, to be a registered patent agent alone, should be a sufficient guarantee of character, ability, and attainments?—I think so, and that there should be no opportunity left for this kind of thing.

3150. You referred to a privilege given to pupils of the Chartered Institute members over those who are registered patent agents. Assuming that the register comes to be reconstituted on an enlarged basis, would you go the length of insisting that, as a condition of examination, every candidate must have served seven years with a patent agent?—No.

3151. You would be perhaps inclined to reduce the number of years?—I should,

3152. And you would also be willing to allow a candidate who goes into a large engineering establishment or an establishment of electricians or, in fact, any large establishment where science is technically applied, to count that time, within certain limits, as a part of the period qualifying him for his candidature?—I should.

3153. With regard to the examinations, do I understand you to imply that you would wish that if a candidate, to use an ordinary phrase, were "plucked," he might have some appeal from a decision of the examiners?—No, I do not mean that. My remark referred rather to the nature of the examination, so that the examinations might not be made so stiff as to make the profession a close corporation.

3154. But if the institution of the examination—the number and character of the subjects—were to be arranged and determined by a council representing the whole body of patent agents, you think that would obviate the objection?—If there was an occasional reference to the Board of Trade for their sanction to the nature of the examination.

3155. You do not wish, as these Bills propose, entirely to set aside the Board of Trade and to displace it from its position as a Court of Appeal?—Our Bill does not propose to do that.

3156. Do you think that it is desirable that if the larger and more comprehensive body of patent agents is formed, even from the decision of their council there should be some appeal?—I think so, and I prefer the Board of Trade, I think, to any other. The Board of Trade is naturally in touch with patents, designs, and trade marks matters, and I think it might be allowed to judge in those matters. It does to a large extent in railway matters, and you know there is a Special Railway Commissioners' Court to which it refers some questions. I think that the Board of Trade might have power to refer matters to a commission or a committee, or a court if it felt that better justice would be done in the case by such a course than if they decided it in their own precincts.

3157. You are aware that important officials of the Board of Trade appearing before this Committee, have rather indicated a desire to be relieved altogether of any responsibility in the matter?—I am quite aware of that, and that has been done as regards discipline in respect to ships' captains, and ships' officers. The suspension of a certificate in these cases no longer rests with the Board of Trade, but with the court that has the matter of the default on the part of the officer, if it is a question of default on his part, under consideration. So that if a ship is lost or damage is done through anybody's fault, the court, on finding the officer has been guilty, has the power to suspend his certificate.

Sir *John Leng*—continued.

3158. But so far as patent matters are concerned, you would rather prefer the Board of Trade than the Comptroller of the Patent Office, would you?—I do not know that it matters much which way it is. The Comptroller is a responsible officer of the Board of Trade.

Mr. *Warmington.*

3159. You represent, I suppose, that the Society and the Committee are anxious to come to an arrangement with the Chartered Institute?—We always have been.

3160. Will you answer the question please?—Yes.

3161. You do not really think, do you, that raking up these old sores is likely to produce that result?—Well, I am very sorry they have been raked up.

[*Chairman.*] I understand that at the conference which has been held no representatives of the trade marks agents were present. We think it would be desirable that the result of the conference should be communicated to Mr. Wann, of 163, Queen Victoria Street, who has been selected as the representative of the trade marks agents and who gave evidence here, in the same way that we wish the result to be communicated to Mr. Lockwood; and if there is any other person who has taken an active interest in connection with the questions we are considering, it would not be bad policy to communicate with him, that is to say, to give him the opportunity of knowing what is proposed, so that he can represent his views to us if he would like to do so. The Committee propose to adjourn to this day week at 3 o'clock, and, in the meantime it is the unanimous wish of the Committee that I should tell you that we expect the representatives of the Chartered Institute, and of the Society of Patent Agents, and the other gentlemen who are joining in the conference, to use their best endeavours to come to some understanding as to one of the Bills, and as to the amendments which should be made in that Bill selected, so that we can have a Bill before us in a form which does represent the general wishes of the patent agents. We hope that prompt action will be taken in the matter; that it will not be allowed to slide, but that the gentlemen who are in conference will give their attention to the business day by day until they arrive at some agreement or understanding; and if upon any particular question there is any difficulty, we are quite sure that Sir Courtenay Boyle would place his good offices at their disposal, and give them

Chairman—continued.

them any advice with a view of adjusting any differences that they may not be able to adjust themselves. We have not asked Sir Courtenay Boyle to do this, but we are quite satisfied that if he was asked his opinion on any matter in difference he would with perfect independence and fairness make suggestions which might lead to the removal of the difficulty. Unless the patent agents do come to some understanding among themselves, we shall next Thursday have to take our own course without their united assistance, and then we shall have before us one of two courses (1) To report a Bill with amendments to the House, or (2) To report both Bills without amendments and make a Special Report.

Chairman—continued.

Thursday, 21st June 1894.

MEMBERS PRESENT :

Mr. Thomas Henry Bolton.
Mr. Alban Gibbs.
Mr. Heywood Johnstone.
Mr. Mather.
Mr. W. F. D. Smith.
Mr. Warmington.

MR. THOMAS HENRY BOLTON, IN THE CHAIR.

Mr. JOHN CLAYTON MEWBURN, called in ; and Examined.

Chairman.

3162. I BELIEVE you are a Fellow of the Chartered Institute of Patent Agents?—I am.

3163. I believe you attended a meeting of Registered Patent Agents held at the Law Institute on the 8th of June instant?—I did.

3164. That meeting was held in consequence of the suggestions of this Committee, I believe?—It was.

3165. With a view of affording the registered patent agents an opportunity of discussing both Bills, and considering what had taken place before the Committee, so as to see whether they could come to an agreement as to a Bill which might be looked upon as a consent Bill, representing the views of the general body of patent agents?—That was so.

3166. I believe you were elected chairman of this meeting at the Law Institute?—I was.

3167. First of all, let me ask you how many registered patent agents were present at that meeting?—I am told that there were 71: I have a list of them here.

3168. Will you hand that list in, if you please?—Yes.

3169. Will you kindly look through that list first, and tell me how many of the gentlemen present belonged to the Institute?—I am afraid I cannot tell you precisely.

3170. The Registrar is at your side; he will probably look through it with you, and then you can give us the information?—I have marked them. There seem to have been 33 Fellows of the Institute, and 38 not Fellows of the Institute. The following are the names:—Those in *Italics* are Fellows of the Institute. A. Myall, *J. C. Mewburn*, H. J. Haddan, *H. Imray*, G. C. Douglas, *N. Watts*, *O. Imray*, *G. G. M. Hardingham*, R. W. Barker, B. T. King, F. Prince, J. E. Lloyd Barnes, G. C. Downing, W. H. Wheatley, J. W. MacKenzie, *E. Carpmael*, *W. Carpmael*, *A. V. Newton*, *P. A. Newton*, *H. E. Newton*, W. H. Munns, *B. Wilcox*, *George Barker*, W. P. Thompson, F. W. Golby, *J. Imray*, *J. C. Chapman*, *H. H. Lake*, J. E. Bousfield, F. W. Price, W. M. Jackson, T. Wilkins, S. S. Broomhead, *E. H. G. Brewster*, *E. de Pass*, *C. D. Abel*, *W. H. Beck*, *J. Y. Johnson*, W. M. Llewellin, G. C. Marks, *W. Lloyd Wise*, J. S. Fairfax, *A. E. Alexander*, *P. M. Justice*, *A. M. Clark*, *W. Clark*, *P. Jensen*, *H. Birkbeck*, *H. Wade*, *H. H. Leigh*, *A. P. Jones*, D. Young, W. Gadd, T. E. Halford, R. E. Phillips, H. Gardner, R. C. Gardner, W. M. White, A. F. Spooner, W. Jordan, *J. G. Lorrain*, G. B. Ellis, *A. J. Boult*, G. T. Hyde, E. Eaton, E. C. Mills, W. W. Horn, C. K. Mills, *N. Browne*, J. Wetter, G. E. Vaughan.

Chairman—continued.

3171. What was done at that meeting?—There was a long discussion. The principal speakers were Mr. Lloyd Wise, Mr. Gadd (the President of the Society of Patent Agents), Mr. Haddan, Mr. Wilkins, Mr. Bousfield, Mr. Fairfax, and Mr. Thompson, of Liverpool. I think those were the principal speakers; and it was decided, upon the motion of Mr. Haddan, to appoint a representative committee to represent all the varying interests with a view of agreeing to some consent Bill which would satisfy all parties.

Mr. *Mather.*

3172. Mr. Haddan is not a member of the Institute?—Mr. Haddan is not a member of the Institute.

Chairman.

3173. That committee, I believe, was constituted by appointing two representatives from the Chartered Institute, yourself and Mr. William Carpmael?—Yes.

3174. Two members from the Society, Mr. Gadd and Mr. Wilkins?—Yes.

3175. And three other agents not members either of the Institute or of the Society, one of whom

Chairman—continued.

whom was to be a gentleman who had come on the register after examination?—Yes, that is so.

3176. And the three selected were Mr. Thompson, Mr. Bousfield, and Mr. King?—Yes.

3177. Mr. King being the gentleman who had come on the register after examination?—Yes. I may perhaps add that Mr. Thompson and Mr. Bousfield were elected at the meeting by those members of the meeting who did not belong either to the Institute or to the Society.

3178. How was Mr. King selected?—It was agreed that one of the unattached members should be a registered agent, who had qualified by examination, and he was proposed and elected.

3179. There and then?—Yes.

3180. Was it understood at that meeting that the various delegates should report to the separate sections of patent agents the decisions of the joint committee?—It was understood that anything which might be agreed upon by the delegates should not be held to bind the bodies which they represented.

3181. Until the bodies which they represented had been consulted?—Just so; but the committee were to report to the meeting when they next met again.

3182. The meeting was adjourned?—Just so.

3183. And the joint committee was to report to the adjourned meeting?—Yes.

3184. When did the committee meet?—Last Thursday.

3185. And there was a long deliberation, I believe?—Yes; we sat from half-past 10 to about 5.

3186. What was the result of that meeting of the committee?—The result was that we prepared and signed a memorandum, which I hand in, and which is as follows:—

PATENT AGENTS REGISTRATION BILL COMMITTEE.

Appointed in accordance with Resolution of meeting of registered patent agents, held at the Law Institution the 8th June, 1894.

MEMORANDUM.

The Institute Bill to be adopted with the following modifications:—To be inserted in Clauses 27 and 28.

"It being understood that the issue of advertisements or circulars shall not necessarily be a bar to admission by the committee, but that each case shall be considered on its merits."

It is understood by the committee representing the varying interests of the profession, that no objection to No. 46 of the draft bye-laws prepared by the Institute, and now before the Privy Council, shall be taken.

It is also understood that if no consent Bill be passed this session, all understandings terminate.

The council shall be elected by voting papers sent by post or otherwise.

Chairman—continued.

The committee of selection to consist of: six registered patent agents who have been in practice for the last five years to be nominated by the comptroller, three of them to be fellows of the Institute, and three non-members of the Institute, and one barrister, who is to be chairman, to be nominated by the Lord Chancellor.

Agreed to by the undersigned, subject to confirmation by the bodies we represent.

14th June, 1894.

Signed { WILLIAM CARPMAEL. / WM. P. THOMPSON. / JOHN E. BOUSFIELD. / W. GADD. / BENJN. T. KING. / J. C. MEWBURN.

(N.B.—Mr. Wilkins had to leave after the first three hours of the meeting to give evidence before the Select Committee.)

I may explain that that memorandum is a little disconnected, owing to the fact that the various clauses were put down as agreed to. We might have arranged them a little better afterwards, but that was not done.

3187. Was the result of the deliberations of the joint committee communicated to the council of the Chartered Institute?—It was.

3188. With what result?—The Chartered Institute decided to ratify it, to confirm it.

3189. Do you know whether it was communicated by the delegates representing the society to the society?—I do not know whether it was communicated to the society or not; it was communicated to the council of the society.

3190. What was the result?—They declined to ratify it.

3191. Did the other three gentlemen communicate with those whom they represented?—Yes, they did so.

3192. What was the result?—Mr. Thompson and Mr. Bousfield reported that they had communicated with about 130 registered patent agents, not belonging either to the Institute or to the Society, and that they had received among a number of answers five which did not agree with the proposal.

3193. And no answers from the others?—Yes; they received a number of answers, but not from all; a great many did not bother to answer at all.

3194. Then I believe another meeting of the general body of patent agents was called?—Yes.

3195. And the result of the deliberations of the joint committee, and of the reference to the Institute and to the Society, was communicated to that meeting?—It was.

3196. And what took place at that meeting consequent upon that communication?—At that meeting a motion was put and carried, the terms of which I will read: "That the Bill of the Institute be adopted as modified by the memorandum prepared by the joint committee."

3197. Have you altered the Bill to show the modifications?—Yes; I have altered the Bill myself

Chairman—continued.

myself, in a manner which will show the changes agreed upon.

3198. The changes made in consequence of that report of the joint committee?—Just so.

3199. Will you kindly hand that in?—Yes (*handing in the same*). I may say that I have not shown it to any other member of the joint committee; I have prepared it myself to carry out that motion.

3200. Will you tell us shortly the character of the differences between the Chartered Institute's representatives on the committee and the society; the grounds upon which, so far as you know, the society dissented from what was proposed by the joint committee?—So far as I could gather from the speeches made yesterday, the society considered that the Chartered Institute had not given way as much as they thought we ought to do.

3201. In what respect given way; what did they want?—They wanted all the registered patent agents to elect the council to govern the profession, as they call it.

3202. They object to the council of the Chartered Institute having any distinctive position in connection with electing the governing body of the profession?—Unless the Chartered Institute is more fully representative of the profession than it is now.

3203. In other words, they want the Chartered Institute to throw its doors open to admit the general body of the profession?—To admit the bulk of the profession. I do not think that any of them now go so far as to say that they wish to admit the whole body of the profession.

3204. I said the general body?—Yes, the general body.

3205. They say that the Bill would strengthen the position of the Chartered Institute, I suppose, and that they object to that unless and until the Chartered Institute is more representative of the whole body of the profession?—That, I think, is their objection, and that is the objection which we have tried to meet by the Bill now before the House, promoted by the Institute, and which myself and Mr. William Carpmael endeavoured to meet still further by the modifications that we agreed to at the meeting of delegates.

3206. In what way do they ask for the Institute to be opened to the general body of the profession?—I do not think it is the Institute that they want to have opened to the general body of the profession. What they do say is that they wish that the council which is to keep the register, to conduct the examinations, and to have disciplinary power, should be elected by the whole body of the registered agents. I think they would be satisfied to leave the register and the duties connected with it in the hands of the Chartered Institute, if it contained a larger number, in fact, the bulk of the profession.

3206*. But unless the Institute is prepared to open its doors, so as practically to admit the bulk of the profession, the Society objects to the Institute having the custody of the register?—I think that is their objection, as far as regards some members of the Society. I may say that the Bill promoted by the Institute does not appear to me to give the Institute any fuller powers than it has now under the Board of Trade rules; it is only making them statutory.

Chairman—continued.

Mr. *Mather.*

3207. Is it the fact that a minority of the Committee appointed to take these Bills into consideration on the 8th of June, were members of the Chartered Institute?—Yes, two were members of the Chartered Institute, and five were not.

3208. Therefore the whole profession, outside the members of the Chartered Institute, were practically represented on that committee?—Practically they were.

3209. And formed the majority of that committee?—They formed the majority.

3210. The recommendations arrived at are embodied in this memorandum handed in by you?—They are.

3211. I see here that the whole Bill of the Institute (what we call the Institute Bill) was adopted by that joint committee, with the exception of additions to Clauses 27 and 28, which have reference to quite a detail, a mere question of advertisements or circulars, that they should not bar the admission of a candidate for registration; that is a mere incidental and small matter. Apparently all the way through there is no objection to any clause in that Bill, but what is covered by these few words to be inserted in Clauses 27 and 28. Is that so?—And something further as regards the Selection Committee.

3212. Yes, I quite understand. Unfortunately this memorandum, as you, I think, admitted yourself, did not dovetail these recommendations into the Bill until we examine the Bill carefully with your amendments to it; but what I apprehend that you meant by this paragraph referring to the committee of selection, is that there should be a recognition at once in the Bill of the fact that the Council of Discipline or the Committee of Discipline and Control for the whole of the matters concerning registration, should not be in the hands of the Institute exclusively, but should be in the hands of a committee fairly representing the whole of the profession?—I am afraid that you have misunderstood the effect of this memorandum. In the Institute Bill it was provided that for a short period, I think six months, after the passing of the Act, there should be another way of election to the Institute, namely, that persons not in the Institute, and wishing to enter it, might either apply to be admitted in the ordinary way, or by another way, that is to say, by applying to an independent committee. The Bill provided that that committee should consist of one Fellow of the Institute, one registered agent, not a member of the Institute, and three professional members of other professions. This memorandum provides for altering that proposal with regard to the committee of selection, and making it consist of seven members, six to be registered patent agents, three of those to be Fellows of the Institute, and three not Fellows of the Institute, and the seventh

Mr. *Mather*—continued.

seventh member to be a barrister nominated by the Lord Chancellor. That is the proposal.

3213. But this committee will be a standing committee when elected for the purpose?—No, a temporary committee.

3214. Then you have made no change whatever as regards the exclusive control of the registration affairs being lodged in the hands of the council of the Institute?—No; the joint committee were all satisfied that if these concessions (because they are concessions) were made by the Institute, the whole profession would be satisfied to leave the keeping of the register, and what has been called the governance of the profession, in the hands of the council as now constituted.

3215. As heretofore?—As heretofore.

3216. Perhaps you are not aware that it has transpired here throughout the whole of the evidence, almost every witness has certified to the fact, that if peace and harmony were to reign in the profession, having regard to the fact that the council have to deal with registration matters, and also discipline in the future, that is to say, the character of registered agents and applicants to become registered agents, it would be necessary that such a council must be representative of the whole body of the profession. The witnesses for the Chartered Institute, the witnesses for the Society, and the witnesses for the free lances, as we call them, in fact, the whole profession, testified to the fact that it was necessary in order to make a perfectly harmonious and organic whole of the profession. I understand from you now that at the committee of which you are speaking of all those objections to the present condition of things were removed by the simple substitution in one of the clauses of the Bill of a select committee to be appointed consisting of six persons appointed by the Comptroller General, and that the rest of the Bill is satisfactory to all concerned?—No, that is not so. If you will kindly refer to the first clause, which you said was one of detail, but which really is one of considerable importance, I think you will understand that the Institute made a considerable concession. This select committee are aware that the Institute has had certain recommendations as to modes of advertising which they have expected their members to adopt, and those recommendations have been somewhat of a bar to many members of the profession entering the Institute who would have liked to do so. We have said by this concession that the committee of selection shall not consider the fact of a registered agent having issued circulars or advertisements as necessarily a bar to his admission to the Institute; we have waived that point. Hitherto we have considered certain ways of advertising as a bar to the profession; we have waived that. And the committee, not only the two members of the committee who represented the Institute, but the other registered agents who were present, agreed that that was quite sufficient to satisfy the profession; that it would open our doors in a manner that would admit any agent of repute.

3217. Has it opened your doors for admission to the Institute, do you mean?—For admission to the Institute.

Mr. *Mather*—continued.

3218. Not to the register of patent agents?—The register of patent agents we have no control of, except to conduct the examinations.

3219. But under the Bill, which you just now called your own (the Chartered Institute Bill), you seek for very great power in connection with the Institute to constitute that the controlling and determining voice of the whole of the profession, so far as the addition of persons to the register is concerned, and in regard to their character, and so far as concerning the general rules to govern the profession?—I think we do not go so far as that. The Institute Bill gives the Institute the control of the examinations, and therefore any persons now seeking to become a registered patent agent must pass the examination set by the Institute.

3220. I may cut this short by saying this merely, and then getting a direct reply from you. I take it from this memorandum that we are not to assume that there was any divergence of opinion ultimately after your long deliberations in committee upon any portion of the Chartered Institute Bill but those points referred to in this memorandum?—None whatever.

3221. For the rest, the Bill is accepted by the committee?—Yes, the Bill is accepted by the committee.

Chairman.

3222. Except that Mr. Wilkins, one of the committee, was not there?—He was not there, but Mr. Gadd, the President of the Society, was there the whole time; he was one of the committee.

Mr. *Mather.*

3223. Are we to take it, then, that this committee so far came to a practical decision on this matter, that all difficulty was eliminated from this Bill with the exception of those points which are here named?—I expected so, and I was much disappointed to find that that was not so.

3224. That was a consummation devoutly to be wished, but it certainly astonished me after what we have heard in this room. If the committee can only carry it forward on that point to the end, we shall be delighted, and will think that our work has been of some value. But now we are in this position, are we not, upon your own showing, that certain sections of the profession have not endorsed the views of their delegates upon that committee?—That is so; the Society of Patent Agents have not endorsed the views of their delegates.

3225. Would you go so far as to say that the profession as a whole, with the exception of a part of the Society of Patent Agents, would be satisfied with the Bill which you gentlemen agreed to amend?—I think they would.

3226. Do you think that there is any means of arriving at a further understanding with the Society of Patent Agents on the points to which they

Mr. *Mather*—continued.

they demur?—I should be very glad to think that there was any chance of that.

3227. You told the honourable Chairman that the point raised afterwards, when you came together for ratification, was the old original point, that they wanted all persons to be admitted to the register on very easy terms without examination; up to date, I mean?—No, that was a point which I think the joint committee did not consider.

3228. That is to say, they were agreed to let it stand as you have it in the Bill?—Yes.

3229. Then would you just remind me what was the particular point which the Society's representatives urged when you met last time; what were their particular objections; I understand that the objection was (I did not quite catch your words) that the Society desired to have this council of control representative of the whole profession?—That is so.

3230. That is what came up so frequently, as I mentioned, during the examination of witnesses before us. Do you see any great difficulty in meeting the Society to some extent in that direction; that is to say, that your council should be not exclusively constituted of the members of the Institute, but might have an infusion of other members?—I see myself very strong objections to that. I have been a member of the council of the Institute for 10 years now. We were asked by the Board of Trade to undertake the keeping of the register, and the conduct of the examinations; we undertook that, and we have kept the register for the last five years to the satisfaction of everybody, I think, unless it is Mr. Lockwood. The Board of Trade are satisfied, and the outside agents do not seem to have any real ground of complaint as to the manner in which we have kept the register and conducted the examinations. It appears to me, therefore, that after all our hard work, it would be a slur upon the Institute to take the keeping of the register away from it, and to appoint another body. It ought not to be done, in my humble opinion, with all respect, without good and sufficient reason, and I fail to see that any reason has been given. The Institute numerically does not represent the whole profession, but it seems to me to be sufficiently representative for the duties which it would have to undertake under the Bill, these being the same duties which it has undertaken for the last five years.

3231. But you do not appear to be aware of the fact that other witnesses, Mr. Imray, Mr. Lloyd Wise, and Mr. Carpmall, I believe, all in a tentative way (not of course admitting it wholly) and speaking for themselves individually, I believe, stated that they thought that a body composed of persons connected with the Institute, and those outside the Institute, which would perform the functions of the present council of the Institute, in relation to this registration of patent agents, might be possibly formed, if that would be the means of bringing all persons together under the Bill as a whole?—I am aware of that.

3232. You do not agree with that?—I do not agree with that.

Mr. *Mather*—continued.

3233. Would you rather have no Bill at all than give way upon that point?—I think I should.

Mr. *Warmington.*

3234. As I understand, all that the Chartered Institute can do by way of coming to an agreement was done at the two meetings that were held, namely, the meeting for the appointment of the committee, and the meeting of the committee itself?—Yes.

3235. Have you had any explanation from Mr. Gadd of his change of views, or do you know whether his views have changed?—We have had several letters from Mr. Gadd, which, if they are here, I shall be happy to hand in.

Chairman.

3236. Mr. Gadd has telegraphed to me to-day: "Memorandum signed in committee was only provisional for further reference, and was employed against my protest for different purposes altogether. Committee only met once, rendering full agreement impossible. Special business utterly prevents my attendance in London to-day. Gadd"?—I think the other members of the committee will confirm me when I say that Mr. Gadd's impression is entirely incorrect. It was not a provisional agreement.

3237. You have not noticed the language of the document: "Agreed to by the undersigned, subject to confirmation by the bodies we represent"?—That, of course, is so.

Mr. *Warmington.*

3238. But Mr. Gadd signed this memorandum?—Yes.

3239. As expressing his views?—Yes; if he had not come to this conclusion he would not have been asked to sign it.

3240. Is there any doubt that the whole object of the meeting of the joint committee was to come to an agreement?—That was the sole object.

3241. For the purpose of informing this committee that one Bill could be settled?—Yes; we came to this agreement subject to confirmation by the bodies whom we represented.

3242. And the committee made no further use of the memorandum than that?—None whatever.

Mr. *Heywood Johnstone.*

3243. The main alterations effected in this memorandum relate simply to making the entrance into the Institute easier?—Yes, that is so.

3244. To enable a larger number of persons to become fellows of it?—Yes; and the committee thought thereby the Institute would become more fully representative hereafter of the whole profession, because it was expected that the whole profession would join the Institute.

3245. That may fairly be represented as a concession on your part?—Certainly. I may say that it was rather a pill for me to swallow.

3246. And

Mr. *Heywood Johnstone*—continued.

3246. And not in any way a concession on the part of the Society?—It was to please the Society, and to meet the views of the other fellows.

3247. Quite so; a concession of the Institute, but not of the Society?—Just so.

3248. And therefore, considering that, you would not expect the Society to decline to ratify what was distinctly in favour of their members?—No.

3249. Is it not possible that the difference may arise on the first sentence of the memorandum: "The Institute Bill to be adopted"; we want to get at what is the point of difference between you now; do you suggest that the only point of difference between the Institute and the Society arises upon this very subsidiary question as to admission to the Institute?—So far as the Society are concerned, I think (as has already been said) that they wish to have the council elected by the whole body of the profession. We have tried to meet that by making access to the Institute easier, so as to admit into that Institute, practically, all those who wish to join, and against whom there is no objection, such as bad professional conduct.

3250. But, to the best of your belief, that wish to have a general council which shall be representative of the profession as a whole, and independent of any connection with the Institute, is still the rock upon which you split?—That appears to be the rock upon which we split.

Mr. *Alban Gibbs.*

3251. I see in the memorandum the following paragraph: "The council shall be elected by voting papers sent by post or otherwise"; does that mean the council of the Institute?—Yes.

3252. Which is elected by fellows of the Institute?—Yes.

3253. You have no suggestion before you which has often been made here, that for the purpose of keeping the register and for the purpose of discipline, other members should be added to the Institute?—No; the members of the committee were quite satisfied that, if the Institute made the concessions contained in this memorandum, the Bill of the Institute should in other respects stand, and that that would satisfy all parties.

3254. They did not consider, for instance, that the entrance fee which is required by the Institute would be a stumbling-block to a good many?—That is a matter of bye-law, and under the bye-laws which have been for many months before the Privy Council we have provided for reducing the entrance and annual subscriptions of fellows of the Institute, and we have also provided for reducing them still further in accordance with a motion carried at a general meeting called for the purpose. I may say that the bye-laws propose that country members shall pay three guineas entrance fee instead of five guineas, and two guineas annual subscription instead of four guineas; that is the only concession which we are able to make, so far, because the surplus or the Institute fees is only about 80*l.* a year. Our whole income is something under 400*l.*, and by making the concession which the bye-laws already propose to make we practically wipe out our

Mr. *Alban Gibbs*—continued.

annual balance of 80*l.* If more registered agents join the Institute we shall be able to reduce the fee still further. I may add that as a matter of fact the result of the action of the Society of Patent Agents, in preventing the passing of our bye-laws, has been that country agents for the last two years have been paying four guineas a year instead of two, so that they are four guineas out of pocket.

Chairman.

3255. You say that the effect of the memorandum that was signed would be to open the doors of the Institute to all respectable patent agents?—Well, the doors are open now to all respectable patent agents, but some of them seem to have been afraid to apply, for fear that they should be refused; and by the Bill we open another way of entering.

3256. The Bill proposes a committee of election to the Institute which is to consist of seven people?—Yes.

3257. And of that seven six are to be registered patent agents, all of whom are to be nominated by the comptroller, and three to be non-members of the Institute. If your idea or hope is that the Institute should comprise all members of the profession, it would be rather difficult for the comptroller to keep up that committee of election, because he would have only a small body from whom to elect the three members non-representative of the Institute?—He can select from 170, from the whole of the registered members who are not members of the Institute. But this provision is only a temporary one; it is only a temporary door, to last, say, for six months. Then when we have got (as we hope) nearly all the registered patent agents into the Institute, the election will proceed as before.

3258. But in what way, practically, would this facilitate the entrance of registered patent agents to the Institute?—At the present time an agent wishing to be elected as fellow has to be proposed and seconded by five existing fellows, and then, after his application has been passed by the council, has to be balloted for. Some of the agents find difficulty in getting the five proposers and seconders, and others are afraid of being black-balled; and what we say is, that we have put this paragraph in really to satisfy what I call the outside agents, to give them another way of getting into the Institute, which would not be under the control of fellows of the Institute. The clauses in the Bill are really put in to meet the views of what I may call our opponents.

3259. Then we may take it that the Institute of Patent Agents are not prepared to make any alterations in their own arrangements so as to give further facilities, beyond those which are mentioned in this memorandum, for the admission of registered patent agents to their body?—I can only speak for myself, of course, but I think that the council would be quite willing in its bye-laws to modify the number of fellows who are required to propose and second a candidate. That, as I said just now, means one proposer and four seconders; we could reduce that with advantage, I think. That has been our rule ever since the Institute was formed in the year 1882.

Chairman—continued.

3260. But you would object to join in constituting a governing body for the whole profession unless that governing body came from the council of the Chartered Institute?—I should. But then I should like to know what is meant by a governing body.

3261. I mean by a governing body the body that is to have the keeping of the register, to control the examinations, to admit fresh members on the register, and to exercise discipline; and, subject to an appeal, to remove members from the register; that is what I call the governing body of the profession, and I understand from you that the Chartered Institute would object to an arrangement by which they should only have recognition or representation on such a governing body, but that they contend that they ought, through their council, to be this governing body?—That is what we contend.

Mr. *Mather.*

3262. I think the Committee would like to be quite clear upon this point: that all the differences with which the representatives went into the Committee (that is to say the differences with the society, with the Institute, and with the other branches of the profession) seem to have been sunk in the course of your deliberations on this one point of freer admission to the Institute itself?—That was so.

3263. Judging from this memorandum, which is much clearer with your explanations than it was before, I take it that all the objections raised against the Chartered Institute Bill vanished, or practically so, in the minds of the Committee when you proposed that the governing of this registration of the whole profession should remain, as it has been, with the Board of Trade at the present time, under the Act of 1888, but that in order to give the whole profession a voice in the matter you would make it very easy for members of the profession, all those who are well-conducted and worthy of being registered patent agents at all, to come into the Institute, and thereby to themselves exercise through the Institute control over the entrance fee to the Institute and registration fees, and all matters connected with the future well-being of the profession?—That is so, and I should like to add that the proposals agreed to were not brought forward by the members of the Institute, but were brought forward by other members of the Committee and discussed, and that we gave way upon them. It was understood very soon at our meeting that the Committee would be willing to recommend that the Institute Bill be accepted, if a change were made in the mode of admission, so that it should be made easy.

3264. And therefore that the whole profession should have a voice in this particular matter of registration?—Yes.

3265. Having come so near to unity and harmony, do you think it is possible, if a further meeting took place between these gentlemen, that you might settle the differences?—I am afraid that it would not be possible. I do not quite like to say it, but I really must say that the representatives of the Society of Patent Agents seem to me to be very impracticable. From what was said yesterday at our meeting I do not think that there would be the slightest chance of our coming to any further agreement.

Mr. *Mather*—continued.

Chairman.

3266. I should like to call your attention to this clause in the memorandum: "It is understood by the committee representing the varying interests of the profession that no objection to No. 46 of the draft bye-laws prepared by the Institute and now before the Privy Council shall be taken." Referring to No. 46 bye-law, I find that that bye-law would give power to the council to suspend and to exclude from membership any fellow who was guilty of breaking rules which the council themselves form with regard to professional practice?—No, that is not quite so.

3267. I will read the bye-law: "The Council may, from time to time, frame rules for the guidance of fellows in matters appertaining to their professional practice. A copy of such rules, if any, shall be forwarded to every fellow and, if approved in writing by at least three-fourths of the fellows, they shall be binding upon every fellow, who thenceforth shall be deemed to have accepted the said rules and to have agreed to be bound thereby. Any member wilfully breaking, or neglecting to observe, any such rule so framed and approved shall be liable to be suspended or excluded from membership." The result of that is that after the rules have been passed, any fellow contravening any of these rules may be suspended or excluded from membership, which means turned out of the Institute, by the vote of the council?—Yes; but you must bear in mind that those rules, after being framed by the Council, must be approved in writing by at least three-fourths of the fellows of the Institute.

3268. That is what you propose to the Privy Council, and that is met by this memorandum, as part of the proposed compromise?—Yes, it is part of the compromise; it must be read in with the previous paragraph.

3269. That gives enormous power to the council of the Institute, which qualified to a certain extent the observation which you made, that the object of the whole of this memorandum was to render it more easy for the general body of patent agents to become members of the Institute?—But these rules must be agreed to by at least three-fourths of the fellows of the Institute. The council cannot act upon any rules that are not so agreed upon, and if we have, as we hope we may have, 200 members of our Institute, it will require the approval in writing of 150 to pass any rule upon which the council could act.

3270. Is there anything further that you wish to say?—May I put in copies of the judgment of the House of Lords in the case which was decided a few days ago?

3271. We have the shorthand note of it; still, we should be obliged to you. (*The Witness handed in the same.*)

Mr. Joseph Sinclair Fairfax, called in; and Examined.

Chairman.

3272. You have heard the evidence given by Mr. Mewburn?—I have.

3273. Do you concur in his account of what has taken place?—In the main Mr. Mewburn's account of what took place at the two general meetings is very accurate.

3274. Have you anything on behalf of the Society of Patent Agents to add to what Mr. Mewburn has stated?—I may state that at the first meeting I took objection to the resolution appointing the joint committee. It was offered not by anyone on the part of the Institute, but by an outsider, Mr. Haddan.

3275. Why should not Mr. Haddan or anybody else at the meeting propose a resolution?—That I cannot say. We wished to obtain the views of the Institute itself, but both at that meeting and in the joint committee meetings the opinions of Mr. Thompson, Mr. Bousfield, and others have been used by the Institute rather than giving their own views.

3276. You have nothing then to add to what Mr. Mewburn has said, by way of information to to this Committee, as to the meetings, and the reasons which led to a want of agreement in the end?—Nothing of any material character.

3277. You accept his description of the difference between the Society and the Institute, which is in effect, that the Society object to the Institute having in any way the control, directly or indirectly, of the register, unless the Institute is representative of the whole body of the profession?—Unless the Institute, and the Council of the Institute is truly representative of the whole profession.

3278. You contend that the representative body having the control over the register and the conduct of examinations, and the discipline, should be an elective body from all registered patent agents?—Yes.

3279. Is that what you contend?—Yes.

3280. And that unless and until the Institute is co-extensive in fact with the general body of patent agents in the profession, the register ought not to be entrusted to the Institute?—Yes.

3281. How many patent agents are represented by you and by the Institute in connection with these views which you have stated?—I think we have placed before you 80 adhesions, and those 80 adhesions are given on the synopsis of our Bill. They were given after extensive canvassing of the profession, both personally and by circulars.

3282. Are we to take it then that you consider that you represent something like 80 to 100 patent agents?—Yes. In addition to the 80, there were others who signed our petition to the Privy Council to disallow the bye-laws, and so on, making about 97 altogether.

3283. That is what you state?—Yes.

3284. Do you think that there is any probability that you will be able to come to an understanding with the Institute?—I am afraid not. I should be very glad if the Institute itself would take the initiative in this matter of becoming truly representative. We have no particular wish to press our Bill if the Institute would take the position, as it were, that our Bill would offer to the new body.

Chairman—continued.

3285. That is to say, if the Institute will open its doors so as to embrace all the registered patent agents who care to belong to it; that is what you mean?—We do not wish to make that a condition at all. We say that the Institute, as a private institute, may be as exclusive as it pleases; but we do not wish to be put in the position of being forced to enter the Institute, as an institute, whether we will or not. Many country members especially cannot afford the fees, or do not desire to pay them—I mean the subscription fees.

3286. But if the Institute were to lower its fees, and to widen its doors of admission, I suppose that a good many of your objections would be removed?—Yes, a great many; in fact, they would all be removed, if the council were strictly representative and not a practically irremovable council.

3287. Do you think that if you had an interview with Sir Courtenay Boyle his good offices would in any way bring you together?—We should be very glad if it could be done, and I am sure Sir Courtenay Boyle would do his best to bring it about; but so long as the council of the Institute itself refuse to move from the position which Mr. Mewburn has indicated, I see no hope of a compromise.

Mr. *Mather.*

3288. Yet this memorandum which you heard read and with which you are acquainted, I presume?—Yes.

3289. Is presented to us to-day as the outcome of the Committee's deliberations?—Yes.

3290. Of whom two-thirds were not members of the Institute, and therefore represented really the majority of the profession?—That is alleged, that they represent really the majority of the profession. But that is a matter which I referred to just now with regard to the first meeting. I objected to the constitution of that committee in itself but the meeting overruled me; at least the meeting elected the committee: and I may state that two members of the committee, Mr. Thompson, and Mr. Bousfield, who were supposed to represent the outside unattached agents wrote to us afterwards to know the names of our members, in order that they may find out the names of the persons whom they were supposed to represent, and they went into the committee to represent the views of people of whom they did not know anything. Nor did they know their views; for since the conclusion of the meetings of that joint committee they have sent out their views to be endorsed. Therefore they represent no one at all, except those who elected them in the room of the Law Institute.

Mr. *Mather*—continued.

3291. Then you allege that these gentlemen, some of them, were not representatives in any sense of the word?—Not in any true sense.

3292. Then we have been wasting our time in waiting upon this supposed agreement between the parties to appoint a committee to have power to discuss the matter seriously?—Yes.

3293. The whole thing has been a farce?—Yes; Mr. Thompson and Mr. Bousfield took it upon themselves to represent the views and opinions of those whose adhesions have already been given to the committee.

3294. But Mr. Thompson and Mr. Bousfield could not appear as members of that committee without having been sent by somebody?—They were simply elected at this first general meeting, not by the whole meeting, but by a section of it.

3295. They went through the ordinary course by which delegates are elected in this country to represent opinions upon any question whatever, I presume. It does not matter whether there were ten people present, or a hundred, so long as the meeting was duly called. If the delegates were duly elected by the ten, they ought to speak for the whole body, ought they not?—Perhaps they ought; but let me tell you how they were elected. Mr. Mewburn put the motion, but it was understood that neither the members of the Chartered Institute, nor the Fellows of the Society, should vote. Only the members in the hall at that time voted for those gentlemen, and they really represented their own views.

Chairman.

3296. How many unattached members were there there?—I should think perhaps ten or twelve. You have the list before you. Mr. Mewburn has put 71, I think.

3297. Thirty-three odd members of the Chartered Institute. How many of your people were there. I suppose not more than twenty.

3298. And the difference were unattached members?—The difference were unattached members.

3299. Where was the unfairness. The members present belonging to the Chartered Institute elected their representatives, you elected yours, and the rest of the people elected theirs. Where was the unfairness of that?—Because they did not know the views of the men whom they professed to represent outside that room.

3300. How do you know that?—We had already acted for those gentlemen in putting in their adhesions, and they claimed to represent the same men.

Mr. *Mather.*

3301. Do you not think that this is trifling with a very important public question?—I do not wish to trifle.

3302. Do you not think that a committee so acting or constituted as you describe, is only trifling with a serious public matter, and therefore wasting our time and that of everybody else?—Yes.

Mr. *Mather*—continued.

3303. Are you prepared to admit that the whole of the profession would agree to this memorandum with the exception of the Society of Patent Agents?—I am quite sure that they would not. Here is a letter which we have had this morning from Mr. Mills, of Manchester, which I should like to put in, with a letter to Mr. Thompson, and Mr. Thompson professed to represent him (*handing in the same*).

3304. Then your opinion is, that the committee was not representative, and that therefore the conclusions which they arrived at are not worthy of consideration?—They were only individual views, practically.

3305. And you also feel that the profession is irreconcilable upon the matter of legislation for the purpose of regulating the registration of patent agents?—I am afraid that is so.

3306. Therefore you are not worthy of being made into a corporate body at all?—Either we are not worthy of being made into a corporate body, or else we are entitled to govern ourselves.

3307. The Institute itself, I understood you to say just now, you had no objections to, but you did not want the Institute to represent the profession. It might represent certain members, but not the whole of the profession?—Precisely.

3308. Therefore if you all were members of the Institute, it would not represent the profession?—If the whole profession were in the Institute, it must do so, of course.

3309. The object apparently of the compromise has been to make it easier for every man in the profession to be a member of the Institute?—That would appear so; but I do know that two of those gentlemen have been really anxious to get into the Institute, and that memorandum represents their views of the means whereby they can do so.

3310. This is not broad enough or wide enough for you?—No.

Mr. *Warmington.*

3311. You attended the meeting of the 8th of June?—Yes.

3312. Did you propose any amendment to the appointment of the committee?—Yes; at least I was ruled out of order.

3313. Was Mr. Gadd present? Yes, he was present.

3314. Mr. Gadd and Mr. Wilkins were appointed to represent your society?—Yes.

3315. Between the 8th and the 14th of June, what steps did Mr. Gadd and Mr. Wilkins take in order to make themselves acquainted with the views of the society?—They knew those views already.

3316. Will you answer the question?—We communicated the very same evening.

3317. You did communicate the very same evening?—Yes.

3318. Did you have a meeting?—Not a regular meeting.

3319. I am not asking that—did you have a meeting?—Yes.

3320. A meeting where, and when?—A meeting after the suggestion of the committee.

3321. And were Mr. Gadd and Mr. Wilkin's and yourself present?—Yes.

3322. At

Mr. *Warmington*—continued.

3322. At this meeting?—Yes.

3323. Did you hold another meeting after the 14th of June?—I think not.

3324. Then after that meeting held on the 8th of June, Mr. Gadd and Mr. Wilkins were perfectly familiar, not only with the views of the society, but with your own personal views?—Yes.

3325. Did you ask them to protest against the committee entering upon an inquiry at all?—No.

3326. Did you not expect them to come to an agreement on behalf of the society on the 14th of June?—Not on the 14th necessarily.

3327. When the committee met?—Yes.

3328. You meant the deliberations of the committee not to be a farce?—Yes.

3329. And that Mr. Gadd and Mr. Wilkins should represent the society?—Precisely.

3330. Then, so far as you know, these resolutions are the outcome of the deliberations of the committee?—On the evening of the meeting at which those resolutions were provisionally agreed, Mr. Gadd told me that he did not expect that anything would be communicated until after another meeting.

3331. But he signed them?—Yes, as a provisional memorandum.

3332. Where is that; it is simply signed subject to confirmation by the bodies which they represented?—Yes.

3333. That is subject to the society so far as Mr. Gadd's signature is concerned?—I made an objection to him the same evening that the matter of the council was not touched upon.

3334. I dare say you did; but I want to know after the meeting of June the 14th, what meeting of the society was held?—We had a meeting on the following Monday.

3335. A general meeting?—A meeting of the Council of the society.

3336. Have you had no general meeting of members?—We could not; the time was too short for that.

3337. Have you tried to hold a meeting of the general members of the society?—No.

3338. Then the views which you are now expressing are the views of the council merely?—Yes, as we gather from the adhesions to our Bill.

3339. Then no one has proposed that the Bill promoted by the society should be carried on,—you see that?—No one seems to have proposed that, so far as the conclusions arrived at are concerned.

Mr. *Heywood Johnstone.*

3340. Do you consider that this memorandum would open the door of the Institute wide enough?—No.

3341. In what way would you strengthen that?—By allowing every person on the register, against whom no charge can be brought, to enter.

3342. Every registered patent agent?—Yes.

3343. And against whom no charge was brought?—Yes.

Mr. *Heywood Johnstone*—continued.

3344. I presume you mean substantiated?—Even those cases that Mr. Carpmael handed in to this committee (eight persons I think) we should be willing to exclude for the time being, and negotiate on the basis of the admission of all others.

3345. We will say against whom there is no *primâ facie* case?—Yes.

3346. How would you decide whether there was a *primâ facie* case of that nature?—I suggest that the matter should be referred to the Board of Trade.

3347. In preference to the select committee coming in under this memorandum?—Yes.

3348. Is that all the difference now between you really?—That would be all, so far as we are concerned, because by letting all the rest in, I should make this exception, that it would not change the constitution of the council.

3349. The council of the institute?—Yes.

3350. But that would be a change of the constitution?—No, we could not change the constitution, really.

3351. Is there any change suggested in this memorandum?—No; that is one of the objections which I pointed out to Mr. Gadd on the evening of the last meeting of the Committee.

3352. Then you would change the constitution of the council?—Yes.

3353. And you would make admission to the institute wider than this memorandum suggests?—Yes.

3354. And those are the only points of difference between you?—Those are the two principal points.

3355. If the agreement could be carried a little further in those respects, you would be prepared on behalf of the society to agree to the Bill?—Yes.

3356. To adopt the Institute Bill, in the words of this memorandum?—Yes, if that could be done.

3357. And if not, would you be prepared to continue with things as they are?—Yes.

3358. Under the rules issued by the Board of Trade?—I must take exception to those rules as conferring power on the institute.

3359. But you told me a minute ago that you would be satisfied to continue things as they are?—Well, that is not the only alternative that I see.

3360. Perhaps it is not quite fair to put it in that way; I will put it in another way. Sooner than have the Institute Bill, as modified in the way you have suggested, would you have no Bill at all?—If it was modified in the way I suggest it would be sufficient.

3361. But supposing it was not modified in the way you suggest, would you sooner do without a bill at all?—Quite so.

3362. And the present position of things is, that rules have been issued by the Board of Trade, and that those rules actually put the government of the patent agents in the hands of the Institute?—Yes.

3363. Putting it broadly that is so?—Yes.

3364. And those rules have, within the last week, been declared, or, at least, one of the most important,

Mr. *Heywood Johnstone*—continued.

important, has been declared by the highest court of law to be *intra vires?*—Yes.

3365. And to have the force of Statute law?—Yes. We shall always object to those rules as they stand now.

3366. I daresay that I should, but we cannot object to a decision of the House of Lords. The position that I want to put to you is, that the House of Lords have declared by their judgment, which is the judgment of the highest Court of Appeal, that those rules are *intra vires*, and I understand you to say that you would sooner continue the present position of affairs than accept the Institute Bill, without the alterations that you have just suggested?—Yes; but it must be understood that we shall certainly object to having those rules remain as they are.

Mr. *Allan Gibbs.*

3367. I do not know whether there is anything else which you wish to add?—In referring to the judgment of the House of Lords, there is a limitation that the rules made by the Board of Trade were legal subject to the approval of the Treasury.

3368. That is so?—That approval has never been given.

The Committee room was cleared.

After some time the parties were called in.

Chairman.] The Committee very much regret that the differences of opinion that exist among the patent agents have not been reconciled, and all we can now do is to adjourn for the consideration of our Report.

APPENDIX.

LIST OF APPENDIX.

APPENDIX, No. 1.

PAGE

Paper handed in by Mr. Francis Hopwood, C.M.G. - - - - - - - - - - - - - 191

APPENDIX, No. 2.

Paper handed in by Mr. H. H. Graham - - - - - - - - - - - - - - - 197

APPENDIX, No. 3.

Paper handed in by Sir Reader Lack - - - - - - - - - - - - - - - 198

APPENDIX, No. 4.

Paper handed in by the Registrar - - - - - - - - - - - - - - - - 198

APPENDIX, No. 5.

Paper handed in by the Chairman - - - - - - - - - - - - - - - - 199

A P P E N D I X.

APPENDIX, No. 1.

PAPER handed in by Mr. *Francis Hopwood*, C.M.G., 8 May 1894.

JUDGMENT of *Lord Low*, I. C.

The Chartered Institute of Patent Agents and others *v. Joseph Lockwood*, August 1892.

I. OPINION.

BY Section 1, Sub-section 1, of the Patents, Designs and Trade Marks Act of 1888, it is provided:—

"After the 1st day of July 1889 a person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act."

It is admitted that the defendant's name is not on the Register of Patent Agents, and he does not dispute that he describes himself as a patent agent within the meaning of the section which I have quoted, although he does not admit the accuracy of the description given by the pursuers of his signboard and door plate.

The defender, therefore, falls under the prohibition in the statute. He is not entitled to describe himself as a patent agent, and in doing so he acts contrary to law.

The defender, however, pleads 1st, that the pursuers have no title to raise the question; 2nd, that the action is incompetent; and 3rd, that he was duly registered as a patent agent, but that his name was improperly struck off the register.

1. The pursuers are the Chartered Institute of Patent Agents, incorporated by Royal Charter, and three registered patent agents carrying on business in Glasgow, where the defender also practises.

I am of opinion that both sets of pursuers have a sufficient title to sue.

The objects of the Institute as stated in their Charter are *inter alia* (1) To form a representative body of the patent agents of the United Kingdom for the purpose of promoting improvements in the patent laws and in the regulations under which they are administered; (2) to frame and establish rules for the observance of patent agents in all matters appertaining to their professional practice, and (3) to maintain a high standard of rectitude and professional conduct and knowledge, and generally to do all things incidental or conducive to the above objects or any of them.

Now I think that the prohibition in the Act that a person shall not describe himself as a patent agent unless he is registered, is an enactment intended for the protection of the public, and that being the case I am of opinion that the Institute, being incorporated by Royal Charter for the objects which I have described, has a good title, acting both in the interests of the profession and of the public, to enforce the prohibition unless the statute has provided exclusive means whereby it is to be enforced, a point which I shall consider under the plea of incompetency.

The interest of the individual pursuers appears to me to be clear. They are patent agents practising in Glasgow, and have an interest to prevent illegal competition with them.

2. The plea of incompetency is founded upon Sub-section 4 of Section 1 of the Act of 1888, which provides: "If any person knowingly describes himself to be a patent agent in contravention of this section, he shall be liable on summary conviction to a fine not exceeding 20*l*."

The defender's contention is that the Act having provided the remedy of fine upon summary conviction, all other proceedings founded upon Sub-section 1 are excluded. I cannot accept that view. I am of opinion that as Sub-section 1 imposes an absolute disability, and renders it illegal for a person to describe himself as a patent agent unless he is on the register, the fact that a breach of the sub-section is made an offence punishable by fine, does not prevent anyone having a sufficient interest, founding upon the sub-section and enforcing the disability.

3. The third point raises a question of greater difficulty. Sub-section 2 of Section 1 of the Act provides that the Board of Trade shall make such general rules as are, in the opinion of the Board, required for giving effect to the section. Sub-section 3 provides "that every person who proves to the satisfaction of the Board of Trade that, prior to the passing of the Act, he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act."

Under the powers conferred upon them by the Act, the Board of Trade made rules in regard to the Register of Patent Agents. They provided that the register should be kept by the pursuers of the Institute of Patent Agents, and that no person who was not, at the passing of the Act, *bonâ fide* practising as a patent agent should be registered unless he passed certain examinations. In regard to a person practising as an agent at the passing of the Act, it was provided that he should transmit to the Board a declaration in a form appended to the rules, and give such other or further proof as the Board of Trade might think fit that he had been, prior to the passing of the Act, *bonâ fide* practising as a patent agent.

The rules also provided for the payment of certain fees. A registration fee of five guineas was provided in every case, and also an annual fee of three guineas for every registered patent agent. There was also a fee of two guineas payable on the entry of a candidate for the final qualifying examination.

It was also provided in the rules that if a registered person failed within a certain time to pay his "annual registration fee," the Registrar should erase his name from the register. It was further provided that the Board of Trade might restore to the register any name erased from it, and an appeal was given to the Board against "any order, direction, or refusal of the Institute or the Registrar."

The defender was a person *bonâ fide* practising as a patent agent at the passing of the Act, and his name was duly

duly entered in the register. He appears to have paid the registration fee without demur. He, however, subsequently refused to pay the annual registration fee, and accordingly his name was erased from the register.

The defender's case is that, under the Act (Section 1, Sub-section 3) he had an absolute right to be on the register, and that the Board of Trade had no power to make it a condition of his having the benefit of that right that he should pay an annual fee. The defender admits that the Board of Trade had power to establish a register, and to make rules as to the evidence to be supplied by a person practising at the passing of the Act as a patent agent, or as to the qualifications of persons who were not then in practice, and matters of that description ; but he maintained that the Board of Trade had no power to impose a tax in the shape of an annual fee without express statutory authority.

It seems to me that, for the purposes of this case, no distinction can be drawn between the fee to be paid on registration and the annual registration fee to be paid subsequently.

A good deal was said about the annual fee being unreasonable ; but if the Board of Trade had power to impose fees at all I do not think that I can go into nice distinctions as to the relative reasonableness of the one fee and of the other. It does not appear to me that there is necessarily anything unreasonable in the annual fee ; and I have not before me the various considerations upon the one side and upon the other which would require to be weighed in order to judge of the reasonableness of the fees. I must assume, on the other hand, that the Board of Trade had full information, and gave full weight to the considerations upon either side. The only question, in my opinion, is, had the Board of Trade power to make provision in regard to fees?

The defender contended that when the Legislature intends that fees shall be eligible, it invariably fixes the fees, or gives express power to those who are authorised to make rules or bye-laws, to do so. It hink that the general rule, at all events, is in accordance with the defender's contention. It would not be difficult to refer to a number of statutes in which fees are fixed, or power is given to fix fees ; and I do not know of a single case in which it has been held that those to whom the making of bye-laws was delegated had power to impose fees without special authority.

The defender also founded upon provisions as to fees contained in the Patents, Designs, and Trade Marks Acts. The Act of 1888 is an Act amending the principal Act of 1883, and it is provided that all the Patent Acts may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

In the Act of 1883 express provision is made for fees, in Section 24 as regards Part II. of the Act which refers to Patents ; in Section 56 as regards Part III. of the Act which refers to Designs ; and in Section 80 as regards Part IV. of the Act which refers to Trade Marks. Further, in Part V. of the Act, which contains "general" provisions, it is provided by the 83rd section, (1) That the Board of Trade may appoint certain officers and clerks ; and (2) that "The salaries of these officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament."

The defender's argument was that seeing that the principal Act expressly provided for fees when the Legislature intended that they should be eligible, it must be assumed that as the amending Act said nothing about fees, it was not intended to give power to levy them. Further, the general provision in the 83rd section of the principal Act, that "the other expenses of the execution of this Act shall be paid out of money provided by Parliament," showed the source from which money required for any purpose of the Act, not otherwise provided for, was to come.

These arguments are not without force, and it is necessary to see what are the considerations in favour of the opposite view.

I think that it must be conceded that from the nature of the case the natural thing would have been for the Legislature to give the Board of Trade power to provide for fees. The Board had to establish a register, and where there is a register there is, as a rule, registration fees. Again, the Board required to make rules for the ascertainment of the qualifications of persons (other than those practising at the passing of the Act) desiring to be enrolled as patent agents, and the natural way of doing that and the way actually adopted by the Board, was to make provision for examinations. Examinations, however, invariably, or almost invariably, involved fees. Indeed I have great difficulty in seeing how the Board of Trade could make a complete scheme, upon the lines usually followed in such cases, for the institution, regulation, and maintenance of a register, without making provisions as to fees.

Further, in order to frame a complete scheme, it seems to me that the Board had inevitably to deal with matters in regard to which it might be urged that special powers were required, just as much as in the case of fees. For example, I find that the Board made provision for the erasure from the register of the name of a person found to their satisfaction to have been guilty of disgraceful professional conduct. I do not think that it can be doubted that that is a very proper and reasonable rule, but a patent agent practising at the passing of the Act might say, "The Act gave me an absolute right to have my name entered in the register, and it did not give to the Board of Trade authority to determine that under certain circumstances I should be deprived of the right."

The Act of 1888 provides that the provision of Section 101 of the principal Act (1883) shall apply to the rules to be made by the Board of Trade as if they were made in pursuance of that section. Now the 101st section of the 1883 Act *inter alia* provides : "(4) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in Session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next Session of Parliament, and they shall also be advertised twice in the official journal to be issued by the Comptroller."

"(5) If either House of Parliament within the next forty days after any rules have been laid before such House resolve that such rules, or any of them, ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule, or to the making of any new rules or rule."

There was, therefore, the most ample opportunity given for anyone to object to any of the rules made by the Board, and for the revision of these rules by either House of Parliament, and I therefore think that it must be assumed that the remit made in the Act to the Board of Trade to frame rules, was designedly conceived in the widest and most general terms in order that the Board, whom the Legislature had selected as the body most competent to frame the rules, might in the first instance have an absolutely free hand to frame such a scheme as might be best fitted to carry out the intention of the Legislature.

In such circumstances I am of opinion that before the Court would be justified in disregarding and holding as null a rule made by the Board and laid before Parliament, it would require to be shown either that the rule was actually repugnant to the Act, or that it was outwith what upon any reasonable interpretation of the Act could be included in the remit to the Board. In my opinion neither of these things can be shown here. In regard to the defender's argument upon the provisions of the Act of 1883, I may say in the first place, that I greatly doubt if the general provision in the 83rd section, as to the expenses of the execution of the Act, can be held to cover such matters as the incidental expenses of the register to be instituted by the Board of Trade and the examination of candidates for registration. In the second place, the fact that registration fees and the like are specially provided for in the principal Act, appears to me to be rather against than in favour of the defender's view, because it shows that the Legislature contemplated that registers should, wholly or partially, be maintained by fees. In imposing registration fees, therefore, the Board of Trade were just adopting the principle which had been recognised in the Act of 1883. The defender further argued that even if the Board of trade had power to impose fees they had no power to make erasure from the register the penalty for non-payment of fees. I do not think that the argument is well-founded. If the Board were entitled to impose a fee, I think that they were also entitled to impose some penalty for non-payment of the fee. If the Board had power to impose a fee upon the entry being first made in the register, it seems to me to be clear that they were entitled to enact that if the fee was not paid the name should

should not be entered in the register. In the same way, I think that if they had power to impose the annual fee they had also power to erase the name from the register for non-payment of that fee, because that was the natural and appropriate remedy for failure to pay.

I do not know of any decided case which can be said to rule the present, but I may refer to the case of Hall *v.* Nixon (10 Q. B., 152) which seems applicable, at all events, to the last two points to which I have referred.

In that case the Local Board in a burgh was authorised by Act of Parliament to make bye-laws with respect *inter alia* to the construction of buildings. By one of the bye-laws it was provided that certain notices should be given to the Board by any person intending to erect a new building, and it was further provided that anyone who erected a building without giving the required notices should be liable to a penalty of 40*s*. The Local Board brought proceedings before the justices against a person who, they alleged, had built in contravention of the rule as to notices. The justices expressed the opinion that the Local Board had no power to make a bye-law constituting the failure to give notices an offence. A case was then taken to the Court of Queen's Bench, and it was there held that it was within the power of the Local Board to impose the penalty, although no express power was given to them to do so by the Act. The Court proceeded upon the ground that the rule as to notices was plainly within the power of the Local Board, and that the power to make that rule necessarily involved the power of providing an appropriate penalty for its enforcement. Mr. Justice Lush also founded upon the fact that a previous Act of Parliament (which had been repealed by the Act under which the rules in question were made) had authorised a pecuniary penalty for failure to give similar notices.

Upon the whole matter, I am of opinion: (1) that the pursuers have a title to prevent a person not upon the register holding himself out as a patent agent; (2) that the defender's name not being upon the register of patent agents, it is illegal for him to describe himself as a patent agent; and (3) that the defender has not stated any relevant defence to the action.

I shall therefore give decree in terms of the conclusions of the summons, with expenses.

II.—Interlocutor.

Edinburgh, 6th August 1892, the Lord Ordinary having heard Counsel for the parties on the closed record, and considered the same, repeals the defences; finds, decerns, and declares in terms of the conclusions of the summons; finds the pursuers entitled to expenses; allows an account thereof to be given in, and remits the same when lodged to the Auditor to tax and report.

"*A. Low.*"

No. .

Judgment of Scotch Court of Session.

R. N. Lockwood.—Second Division, Thursday, 26th January 1893.

The Lord Justice *Clerk.*—This case arises under the Act of 1888 which was passed in supplement to the Act of 1883, and was for the purpose mainly of requiring that in future there should be a register kept of the persons who were entitled to call themselves patent agents. Formerly any person could call himself a patent agent, and it was thought expedient that there should be a registration so that the public might know who were to be held qualified persons to act as patent agents, and accordingly by that Act registration is now essential. Every person who desires to practise as a patent agent, in order that he may be legally entitled to do so, must get his name put on that register. The Act contains a proviso or sub-section by which those who have been *bonâ fide* practising as patent agents before the passing of the Act get on to the register by a certain procedure which is there described and which I shall afterwards refer to. The Act gave them the right to register. The Act also, by another sub-section to which I shall presently refer, gave power to make rules for the purpose of carrying out the section. These rules were to be laid before Parliament, and if not altered by Parliament within 40 days they became effectual; and it is said by the pursuers of this case that these rules have in consequence the same force as the statute itself. Now, under these rules, there have been fixed certain fees of large amount, in the first place for the obtaining of the first entry of the name upon the register, and in the second place annually, for the purpose of maintaining the name upon the register; for the rules fix that if this second and annual fee is not paid from time to time as it becomes due, the person failing to pay it is to be struck off the register. Admittedly these fees are not for any purpose connected with registration itself. The fee, if I remember right, for the first entry on the register is 5 guineas, while the annual fee thereafter is 3 guineas. On the face of it, it is quite plain that such fees could not be for meeting any necessary expense of being put on the register or of keeping it up; and we had it admitted from the bar that the main purpose of these fees is in order that patent agents, who are now formed into a corporate body and have formed an Institute, may keep up that Institute, and form a useful library for the use of patent agents at the Institute.

Now, the question is whether it can be said that a rule for establishing a tax of that kind, nominally called a registration fee, but truly to meet the expense of an Institute and a library, is a rule for giving effect to Sub-section 1 of the Act. It certainly seems at first sight of it to be outside the giving effect to Section 1 altogether. But, of course, if a power existed under the statute to make such a rule, and if the rule by lying before Parliament for the statutory period has got the effect of statute, then there may be a difficulty in the way of any patent agent getting rid of it; because the rule is made by the Board of Trade, which is the body empowered by the Act to make the rules, and the Board of Trade being a public department, it may be that a rule made by the Board of Trade, if properly made—I mean to say if technically properly made—could not be interfered with, however extravagant or however absurd it was, and however oppressive it was, except upon application to Parliament to get it set aside by a new enactment. And, therefore, I think it is necessary to turn to the clauses and sub-sections of this Act in order to see whether that power existed under the Act.

5. The first sub-section of the first section of the Act is the sub-section which authorises the making of a register, and forbids anyone to describe himself as a patent agent who is not upon that register; and the second sub-section is the sub-section which gives the power as regards these rules. It provides that "the Board of Trade shall as soon as may be after the passing of this Act, and may from time to time make such general rules as are in the opinion of the Board required for giving effect to this section; and the provisions of Section 101 of the principal Act (that is, the Act of 1883) shall apply to all rules so made, as if they were made in pursuance of that section," namely, Section 101. Now there are two things plain on the face of that sub-section. The first is that there is no power to make rules except for the purpose of giving effect to this section, and the section relates to the registration of patent agents and to nothing else. And then there is a reference to Section 101 of the principal Act, which is to apply to all rules so made as if they were made in pursuance of that section. Now, in the first place, as regards the giving effect to this section, there is nothing here of the nature of an enactment giving a power to appoint any fees at all; and, in the second place, Section 101 of the Act of 1883 is also a section which has no relation whatever to fees of any kind, or to payments of money. The Lord Ordinary, in referring to this matter, points out that the Act of 1883 did give authority to impose fees, and power to the Board of Trade, with consent of the Treasury, to fix what these fees were to be; and the clauses by which under the Act of 1883 power was given to fix fees are Clauses 24, 56 and 80.

Now, every one of these sections is a section empowering the Board of Trade, with the consent of the Treasury, to fix fees which are to be paid into Exchequer; and Section 101, which relates to the powers of the Board of Trade to make rules and so on, does not relate to fees at all. Now the first question that arises there is, is it competent,

under a power to make the rules, to make rules by which there shall be an imposition of what is practically taxation; to say there shall be a register kept, and that persons with certain qualifications shall have the right to be placed upon that register, but that they shall not be entitled to be placed on the register till they pay a certain tax. My Lords, the very provisions of the section I have referred to in the Act of 1883 are an illustration of what is the usual course in such matters unquestionably, that where there is to be an imposition of payments of money under the provisions of an Act of Parliament, the power to impose these sums of money is a power given by the Act itself; and I do not agree with the Lord Ordinary when he says that "in imposing registration fees, therefore (I quote his words), the Board of Trade were just adopting the principle which had been recognised in the Act of 1883." I think the principle which was recognised by the Act of 1883 was plainly this principle, that if there was to be under the operation of the Act of Parliament any payment of fees, the power to impose these fees was to be found in the Act itself. I think it may be very well illustrated in this way, that if under the Act of 1883 the Board of Trade had proceeded to appoint other fees than those authorised by the Act, any person against whom these fees might come would have a very strong argument to say this Act, when it was intended to impose fees, has given express authority by separate clauses as regards this department of it to impose these fees, and it is quite plain, therefore, that it was not intended, and that no power was given to the Board of Trade to impose other fees than those contained in the Act; and as these two Acts go together now, I think the argument equally well holds that that authority is not given to impose such fees.

The next question is, even supposing that by this Act of Parliament power was given to impose fees upon patent agents as a condition of their being allowed to be placed upon the register, whether in the exercise of that power they could keep an old patent agent who proved his case off the register if he did not pay these fees.

Now on examining both the Act and the rules, I find that the conditions are very clearly prescribed on which a person who has been *bonâ fide* practising as a patent agent is entitled to be put upon the register. The proviso clause is this, "Every person who proves, to the satisfaction of the Board of Trade, that prior to the passing of this Act he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act." Now without going to the rules for a moment, just take that clause as it stands. He satisfies the Board of Trade that he is a patent agent, and has been practising as such before the passing of this Act, and having satisfied the Board of Trade he says, I am entitled to be placed on the register. But they say, Oh no, you are not entitled to be placed upon the register; certain rules have been made by which, although the Act says that you are entitled to be placed on the register, having that qualification, you are not entitled to be placed on the register, but you must pay down five guineas or you won't get on the register at all. Now, it seems rather a strong proposition that a gentleman whom the Act declares is entitled to be placed upon the register, is to be kept off the register because he won't pay down a sum of money. And, curiously enough, when we come to the rules, it does not seem to have entered into the mind of anybody when framing these rules, that the patent agent had anything more to do than to carry out that proviso, and accordingly No. 5 of the rules is in these terms: "A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board of Trade a statutory declaration" in a certain form; and the Board of Trade is authorised to require such proofs as they think proper, besides the statutory declaration, and "upon the receipt of such statutory declaration or of such further or other proof to their satisfaction, as the case may be, the Board of Trade shall transmit to the registrar a certificate that the person named therein is entitled to be registered in pursuance of the Act, and the registrar shall, on the receipt of such certificate, cause the name of such person to be entered on the register." The procedure, therefore, is this, that the patent agent goes to the Board of Trade, and satisfies them that he has the qualification; the Board of Trade then acts, not the man himself, he makes no application; he has nothing further to do than to satisfy the Board of Trade, and having satisfied the Board of Trade, the Board of Trade then intimate to the registrar that he is a patent agent, entitled to be put on under Sub-section 3, and on that intimation the rule says the registrar shall, on receipt of such certificate from the Board of Trade, cause the name of such person to be entered on the register. So that he does not need to make any application at all to get upon the register. And, strangely enough, in the appendix which gives a note of the fees, the five guineas which he is to pay in, according to that note, is, "on application and before registration." But the patent agent never makes any application to the registrar to be put upon the register. The Board of Trade transmit their authority in respect of his having proved that he is a patent agent at the time of the passing of the Act, and has been practising as such for three years, and then the registrar is to put his name on. Next comes the question, whether his name having been put on, if he does not at the end of a year pay another tax of three guineas, the registrar is to strike him off, and he is thereby to lose the privilege which he is entitled to under Sub-section 3.

Now if he is entitled to be upon the register in respect of his having been practising as a patent agent for three years before the passing of the Act, where is the right to impose a tax on him and to say, If you don't pay that tax, you shall be struck off the register? It seems to me that in this case the true answer to the question put to us by the pursuers here is that the power did not exist to make rules by which this exaction should take place, and that the defender in the action is entitled to be placed upon the register in terms of Sub-section 3 and of Rule 5, and that the pursuers of the action are not entitled to succeed in respect that he is not now upon the register, because he has been improperly struck off from the register for refusing to pay an imposition which they had no right to demand. And, therefore, I think the interlocutor of the Lord Ordinary should be altered, and that we should assoil the defender.

Lord *Young*.—In my opinion this case depends upon two well-settled rules of the common law. The first of these is that when rules are made by any authority such as the Board of Trade, professing to be in pursuance of the powers conferred on them by Statute, these rules are valid or not according as they are or are not truly in pursuance of the Statute; that is, within the powers under which they profess to have been made. I think that is a rule of the common law without any exception whatever, that rules made by an authority in pursuance, that is professing to be in pursuance, of a Statute, are valid or not according as they are really in pursuance of it or not; that is within the powers conferred by it. That is a well-settled rule of the common law, and I repeat, so far as I know, it is without any exception whatever in applying Statutes and rules made under them. The second is, and it is also a rule of the common law, that Her Majesty's Courts of Justice have jurisdiction to construe and interpret all Statutes. Of course Parliament may in any particular case deprive them of that jurisdiction, and confer the jurisdiction in a particular case upon some other authority. I think such a thing never was done. I think the Legislature never ousted the jurisdiction of the established tribunals of the country in regard to the interpretation of a Statute, or conferred that jurisdiction upon any other authority. Now, applying these two principles here, the case presents itself thus: the complainers founding upon certain rules which they say on their record were made by the Board of Trade in virtue of powers conferred on them by the Act of 1888, and in accordance with the provisions of Section 101 of the Act of 1883, made and published certain regulations, one of these regulations being that patent agents who before the passing of the Act were *bonâ fide* acting as patent agents, should, as a condition of being registered, pay a fee of five guineas, and as a condition of continuing on the register should pay an annual fee of three guineas, and that failing the payment of the first of these fees, no such patent agent should be registered at all, and failing the payment of the annual fee, the name of the party failing should be struck off the register. Under these rules, the complainers say that the respondent has failed to pay his annual subscription of three guineas, and that he ought therefore to be struck off the register, and that conclusion is inevitable if the rules referred to and founded on, and without which the complainers have no case at all, are in accordance with the powers under which they profess to have been made. But if, as the respondent maintains, they are in excess of these powers, if they are not authorised by the Statutes legally interpreted and construed, then the respondent must prevail, upon the first of the common law rules which I have referred to, that rules and regulations made in pursuance of the Statute, or professing to be so, are valid or not according as they are within the powers conferred

conferred by the Statute or not. But it is maintained by the complainers that the rules are within the powers contained in the Act bestowed upon the Board of Trade. They say so on record, and that is their contention. The respondent on the other hand, says that according to the rule, within the meaning of the statute, they are not. Here, therefore, there is a dispute between the parties before us as to the true intent and meaning of an Act of Parliament. Now, on the second of the common law rules which I have referred to, this court alone in the present case has jurisdiction to determine that question. I know of no other jurisdiction to determine a dispute between two parties as to the true meaning and construction of an Act of Parliament; and I repeat what I said at the outset, that I know of no case, and do not believe any ever existed, in which the Legislature has ousted the jurisdiction of the courts upon any such question. But it is maintained here that that has been done. If it has, then it never was done before and the authority to determine whether the rules were really made in pursuance of the powers conferred by the Act, when the Act is properly construed, if it is taken from us, must be given to some other, and that other must either be the Board of Trade or Parliament itself, or the Board of Trade subject to review by Parliament. Now the idea of bestowing jurisdiction upon the Board of Trade to determine a dispute which might arise at any time, and nobody could tell when the party is affected by the matter, as to the true intent and meaning of a clause in the Act of Parliament, that the Board of Trade should have jurisdiction to do that I think is extravagant upon the face of it. They would require to hear the parties and to determine as a disputed matter what was the meaning of the Statute. Then it was suggested that the jurisdiction was given to either House of Parliament, but with a proviso that either House must exercise its jurisdiction within 40 days; that within 40 days of the making of any rules, either House of Parliament might determine the legal question whether these rules were in accordance with the powers conferred by the statute; and that if these 40 days passed, they must be taken to be in accordance with the powers given by the statute, whether they were or not, and it must be assumed that the tribunal to which the jurisdiction was given in the matter, namely, the House of Commons or the House of Lords, had not seen fit to interpose within the 40 days. Now I must say that that is not a likely proposition. The Legislature never assumed the power to interpret statutes, and constitutionally it has not the power. Of course the Legislature may do anything it pleases, but it would be considered very unconstitutional upon the statement of it, to say that when any question arises as to the true meaning of an Act of Parliament and whether rules were made in accordance with the Act, according to its true intent and meaning, the House of Commons should have jurisdiction to determine it, or that the House of Lords should have jurisdiction to determine it, but that the period for exercising that jurisdiction should be limited to 40 days and that a party was not affected by the rules, was not touched by them, until the expiry of the 40 days, or it might be 40 months, and was excluded from raising the question at all whether they were in accordance with the provisions of the statute. I must say that I think that is extravagant, and with respect to the provision that the rules made by the Board of Trade, if not set aside by vote of either House of Parliament within 40 days, upon quite other than a legal question of construction of an Act of Parliament, might have the same force as if enacted by the statute itself. I think the plain meaning of that is, if within the powers conferred by the statute they shall have the same operation and effect as if expressed in the statute. That is subject to the proviso which is the condition of the rule of the common law, and which we find expressed by Scotch Judges and most frequently by English Judges, it is always subject to the condition and limitation that the rules shall have effect exactly as if they were in the statute, provided always they are within the powers conferred by the statute under which they were made. If so they shall have the effect of an Act, if not, they shall have no effect at all, for rules in pursuance of a power being in excess of the power, beyond the power, outwith the power, are rules made without authority. Cases have been figured and have actually occurred, in which Judges have been put in a position of some perplexity in dealing with the question whether certain rules were within the powers conferred by the statute under which they professed to have been made or not. The most striking of these perhaps is where the power to make rules for governing the proceedings of the Courts of Justice was conferred by the Legislature on the Lord Chancellor and certain Judges named. They made rules and a question arose as to whether a particular rule was within the power conferred or not. A single Judge, or even the Judges of a Divisional Court, or of an Appeal Court, must be in a state of great perplexity if feeling inclined to say that the Lord Chancellor and Judges acting along with him, to whom the power had been committed, thought a certain meaning of the statute was a right meaning, and the Judge or Judges thought otherwise. But I rather think the solution must be as Lord Esher put it; we should certainly be very slow to come to the conclusion that the Lord Chancellor and the Judges acting along with him have made a mistake as to the meaning of the statute, but if we did conscientiously and judicially come to that conclusion, it would be our duty to say it and to act upon it. But that is just in accordance with the principle that such rules are valid or not, according as they are within the powers under which they were made or not. I think these views are simply an application of the two principles of the common law which I set out by announcing. Now, addressing myself to the meaning of the clause of the statute under which the rules profess to have been made, and in accordance with which the pursuers allege that they were made, I am of opinion that, so far as they are complained of here, and I don't deal with them any further, they are not. I think no authority was conferred on the Board of Trade to impose these taxes. They are called fees, but they are imposts professing to be made in pursuance of the statute compulsorily, an impost of five guineas upon admission and an impost of three guineas a year as the condition of continuing in a certain profession. The word "tax" is very applicable. It is a tax, it is an impost which cannot be resisted. It is made the condition of your carrying on your business that you must pay it. Now, I think no authority whatever was conferred on the Board of Trade to make any rule of that kind, and that the rule therefore to that effect is in excess of the power, and cannot be acted upon. The result is that I agree with your Lordship in thinking that this application to interdict the Respondent from exercising his trade and profession because he has failed to pay this impost is ill-founded and ought to be dismissed, and that expenses should be given in the Outer House and here.

Lord *Rutherfurd Clark*.—I am also of opinion that the Defender is entitled to our judgment. To my mind it is quite clear that we are the only judges of the question whether the rules have been made within the authority or not. Upon that question I don't think it necessary to say more. I am further of opinion that the rules have not been made in accordance with the Act. It is quite possible that fees may be exacted for the maintenance of the register, but the fees which are fixed by the rules are plainly in excess of what is required for that purpose, and it is equally plain they were not imposed in order to carry that purpose into effect.

Lord *Trayner*.—There are three grounds maintained before us in this case. To two of these none of your Lordships have referred, and I assume that your Lordships agree, as I do, with the Lord Ordinary on both these points, namely, that the pursuers have a title to sue, and that the action is relevant, because until we sustain the title to sue and the relevancy of the action, we cannot enter upon the decision of the other question.

On the question whether the rules now before us are within the authority of the Board of Trade under the statutory power given to them to frame rules, I agree with your Lordships. I think the rules are *ultra vires* of the Board of Trade. The rules which the Board of Trade were authorised to issue were rules to give effect to the first section of the Act of 1888, and that first section, at least in its primary provision, is one for the purpose of establishing a register of patent agents. The Act, however, goes on to say that the rules which are issued by the Board of Trade under the authority so conferred upon them, shall have the same effect as if they had been rules issued and made under the 101st section of the Act of 1883, of which the Act of 1888 is an amending statute. Under Section 101 of the Act of 1883 it is provided that rules made under that statute and under that section of it shall have the same effect as if they were contained in the Act itself. Now, if these rules were within the powers of the Board of Trade, I think they would have in respect of that provision the force of statute, in the sense not merely that they were issued under statutory authority, but that they were themselves parts of the statute; if that were so, I should not hold myself entitled to review or consider whether the rules that we have before us were

proper or expedient, or, indeed, to take any notice of them further than this, that they were to be enforced by us as parts of an Act of Parliament; but being of opinion with your Lordships that we are quite entitled to look at the rules issued, and consider and determine whether these rules are within the statutory powers under which they profess to issue or not, I come to be of opinion with your Lordships that they are outwith the powers of the statute. The power conferred upon the Board of Trade by the Act of 1888 is simply to issue rules for the purpose of carrying out the first sub-section of Section 1, and that is to provide for the institution of a register of patent agents. I think the rules before us go far beyond that. They have established not only rules to be observed for the admission of persons to the register, but they have instituted rules which regard the condition on which names there mentioned shall be retained on the register, and have introduced provisions, such as the deletion of the name from the register, in respect of the non-compliance by any person there registered with the particular rules which the Board of Trade have issued. But the important and serious point in the rules is this, that they have imposed an impost or tax upon all persons, not merely in reference to the registration of their names, but also with reference to the continuance of the names upon the register; and that I think is equally beyond the power of the Board of Trade; it is, as one of your Lordships has described it, an impost, a tax, a payment for a licence to enable a certain person to carry on a certain profession. Now I am not aware of any case in which a power to fix an impost or tax of this kind has ever been recognised as conferred by implication of an Act of Parliament, and unless the statute imposes the tax itself or gave direct and unqualified and explicit authority to some other power to fix that tax, I think no such tax can be validly imposed. If the tax had been validly imposed, I mean if it had been held that the tax of an entrance fee or a continuance fee had been within the view of the Board of Trade, I should not have felt myself entitled, from the considerations to which I have already adverted, to consider whether the tax was too big or too little, nor indeed to consider the application of the tax, how it was to be distributed, or to what it was to be given. But, I think, these considerations are excluded altogether when one reaches the conclusion which I have already reached, namely, that the imposing of any tax of this kind is beyond the power of the Board of Trade, and, therefore, I quite agree with your Lordships that that is sufficient to enable us to decide this case contrary to the views which the Lord Ordinary has adopted. But, I think, it is not without importance to notice that under the section which gives the Board of Trade authority to issue rules, there is a proviso or qualification in the third sub-section of the first section of the Act of 1888, which directly applies in this case, for it provides that every person who shall have been for three years prior to the passing of this Act *bonâ fide* practising as a patent agent shall be entitled to registration under this Act. The Board of Trade have come forward and said that shall not be so; he shall only be entitled to registration provided he pays a certain sum of money. Now, I think, that is introducing a clause and a qualification of the clause which the Board of Trade in pursuance of their rights to issue rules have no power whatever to impose; and upon the ground, therefore, that the rules are *ultra vires* of the Board of Trade's power, and, further, upon the second ground that the Act itself specially limits or defines the right of a person in the Defender's position to go upon the register, I am opinion with your Lordships that the Lord Ordinary's judgment ought to be recalled.

Lord *Young*.—With reference to what my brother Lord Trayner has said regarding the first and second pleas in law for the Defender, title to sue, and the competency of the action, I take leave to say for myself that I give no opinion upon them, and should have great difficulty indeed in concurring with the views of the Lord Ordinary. I ventured to point out, however, in the course of the argument, when Mr. Ure, I think, had begun to address himself to these pleas, that it was manifestly in the legitimate interest of both parties that the question of the validity of these rules by the Board of Trade should be tried, and as they had been fully argued it would be a pity to avoid deciding the question for which the action had been brought and which both parties were interested in having settled, upon any technical ground; and I think I ventured to point out that there might be very great difficulty in maintaining the proposition that if an act was prohibited by statute and a penalty imposed in respect of it, that that would afford in all cases, or even generally speaking, a legitimate ground for an application to this Court for an interdict against it; and I rather think I ventured upon suggesting the illustration of the rules applicable to publicans, who are just as important as patent agents, I suppose. There are rules regarding the hours of opening and closing, the conditions of their certificates being violated, and penalties imposed by statute, and which are constantly being inflicted in the inferior courts for doing these prohibited acts. But I should think it was extremely doubtful if other publicans or an association of publicans could present an application to this Court for interdict as to any of these things prohibited by the statute, under a penalty, or whether we should not leave them to the statutory remedy of a prosecution for the penalty. There might be a thousand instances of things which are prohibited, with regard to which it would be absolutely ludicrous to allow anybody to increase the penalty from a few shillings or pounds, to the punishment inflicted for contempt of court; or to interdict a citizen of Edinburgh from having an accumulation of snow in front of his door, because that is prohibited under a penalty, and you add to the penalty that he shall be sent to jail the next time that such an accumulation is allowed to exist, as being in contempt of Court. I don't think that would follow at all. I content myself, however, with saying that I don't assent (I rather abstain from expressing any opinion upon it) to the views of the Lord Ordinary on either the first or second pleas; but having the opinion which we all have on the question which both parties have a legitimate interest to have settled, I have thought it better to have that decided without expressing any opinion on those other points.

The Lord Justice *Clerk*.—We did not consider these questions.

Absolvitor, with expenses.

No. .

REGISTER OF PATENT AGENTS' RULES, 1889.

REPORT of the INSTITUTE OF PATENT AGENTS to the BOARD OF TRADE.

In accordance with the provisions of Rule 28, the Institute of Patent Agents have to report as follows:—

Two hundred and fifty-five applications have been received up to the 31st December 1889, and 223 applicants have been placed on the Register.

The First Final Qualifying Examination prescribed by the Rules was held on 18th to 23rd November. Five Candidates presented themselves, one of whom retired after the first day. Of the remaining four, two satisfied the Examiners and received the Certificate of the Institute under Rule 5.

	£.	s.	d.
The amount received by the Institute in Registration Fees (5*l.* 5*s.*) was - - -	1,212	15	–
And in Annual Fees (in respect of the year 1890), three guineas - - - - -	450	9	–
And in Examination Fees -	10	10	–

31 December 1889. (signed) *H. Howgrave Graham*, Registrar.

APPENDIX, No. 2.

PAPER handed in by Mr. *H. H. Graham*, 29 May 1894.

RECEIPTS.

		£. s. d.	£. s. d.
1889-90	By Annual Fees for Registered Agents	699 6 –	
	Examination Fees	10 10 –	
			709 16 –
1890-91	By Annual Fees for Registered Agents	733 19 –	
	Examination Fees	12 12 –	
			746 11 –
1891-92	By Annual Fees	730 16 –	
	Examination Fees	14 14 –	
			745 10 –
1892-93	By Annual Fees	718 4 –	
	Examination Fees	12 12 –	
			730 16 –
1893-94	By Annual Fees	551 5 –	
	Examination Fees	18 18 –	
			570 3 –
		£.	3,502 16 –

EXPENDITURE.

		£. s. d.	£. s. d.
1889-90	To Expenses of Examination	100 11 –	
	Registrar's Salary	78 15 –	
	Printing and Stationery	41 1 2	
	Legal Expenses	22 5 –	
	Postage and Carriage	6 4 5	
	Clerical Assistance	5 2 11	
	Petty Expenses	7 9 4	
	Rent and Office Expenses	50 – –	
			311 8 10
1890-91	To Expenses of Examination	92 2 10	
	Registrar's Salary	105 – –	
	Printing and Stationery	17 9 5	
	Legal Expenses	94 12 11	
	Audit Fee	5 5 –	
	Petty Expenses	3 11 5	
	Postage and Carriage	3 6 6	
	Clerical Assistance	29 2 7	
	Advertisments	28 19 –	
	Purchase of Safe	23 3 4	
	Rent and Office Expenses	50 – –	
			387 13 –
1891-92	To Expenses of Examination	114 4 8	
	Registrar's Salary	105 – –	
	Clerk's Salary (part of year)	56 – –	
	Printing and Stationery (estimated on 3 years' average).	20 – –	
	Legal Expenses	208 9 3	
	Audit Fee	5 5 –	
	Petty Expenses (estimated on 3 years' average).	5 4 –	
	Postage and Carriage (estimated on 3 years' average).	5 – –	
	Advertisements	29 7 9	
	Rent and Office Expenses	50 – –	
			598 10
1892-93	To Expenses of Examination	98 17 6	
	Registrar's Salary	105 – –	
	Clerk's Salary	78 – –	
	Printing and Stationery (estimated on 3 years' service).	20 – –	
	Legal Expenses	239 9 10	
	Audit Fee	5 5 –	
	Petty Expenses (estimated on 3 years' average).	5 4 –	
	Postage and Carriage (estimated on 3 years, average).	5 – –	
	Advertisements* (for copy *see* below)	14 9 6	
	Rent and Office Expenses	50 – –	
			621 5 10
1893-94	To Salaries	183 – –	
	Postage and Carriage	5 – –	
	Printing, &c.	20 – –	
	Legal Expenses	154 12 6	
	Expenses of Examination	115 5 3	
	Audit Fee	5 5 –	
	Petty Expenses	5 4 –	
	Rent and Office Expenses	50 – –	
	Expenses of Bill	62 3 6	
	(Subject to verification.)		600 10 9
		£.	2,519 9 1

	£. s. d.
Receipts	3,502 16 –
Expenditure	2,519 9 1
	£. 983 6 11

Registration Fees.		£. s. d.	£. s. d.
1889-90	By Registration Fees	1,249 10 –	
1890-91	Ditto - ditto	68 5 –	
1891-92	Ditto - ditto	26 5 –	
1892-93	Ditto - ditto	47 5 –	
1893-94	Ditto - ditto	68 5 –	
			1,459 10 –
	Balance of Annual Fees not expended		983 6 11
		£.	2,442 16 11

* COPY OF ADVERTISEMENT.

Patents, Designs, and Trade Marks Act, 1883.

Register of Patent Agents Rules, 1889 to 1891.

Notice is hereby given by the Chartered Institute of Patent Agents, that under Sect. 1, Sub-sect. IV. of this Act, it is provided that, if any unregistered person knowingly describes himself as a Patent Agent in contravention of this section, he is liable, on summary conviction, to a penalty not exceeding 20*l*. The Register, containing the names of all persons registered under the aforesaid Act and Rules, has been printed, by direction of the Institute, and published and placed on sale (price One Shilling) at the Offices of the Institute, 10, Southampton-buildings, London, W.C., and at Messrs. Eyre and Spottiswoode's, East Harding-street, London, E.C.

APPENDIX, No. 3.

PAPER handed in by Sir *Reader Lack.*

Dear Sir Everard Hastings Doyle, 20 June 1894.

In compliance with the request of the Honourable Chairman of the Select Committee on Patent Agents Bills, I beg to state that I have carefully read the two draft Bills before the Committee, and I have now the honour to submit the accompanying statement of observations upon some clauses on which I was unprepared to give evidence when I was before the Committee on the 7th instant.

Yours, &c.

Sir Everard Hastings Doyle, Bart. (signed) *H. Reader Lack.*

I.—Observations upon the following Clauses of the Bill submitted by the Chartered Institute of Patent Agents.

Clause 6.—The provisions of this clause would, if adopted, involve a change in the procedure established by the Act of 1883, which has now been in operation for 10 years.

One of the objects of the 1883 Act was to enable inventors, if they thought fit, either personally or through friends, to transact business at the Patent Office without the intervention of patent agents, and though it is doubtless in the interests of all inventors to have the assistance of trained persons in such communications, it would now be considered a great hardship by certain classes of inventors if they were deprived of the privileges which have existed since 1883.

Clause 9.—The provisions under the Patents, &c., Act, 1888, as to dealing with cases of alleged disgraceful professional conduct have not been sufficiently long in existence to enable an opinion to be formed as to their comprehensiveness or otherwise. It is desirable, however, to secure as wide a definition as possible in order to be able to punish every description of fraud committed by registered patent agents.

Clause 14.—Would it be desirable to prescribe that the Comptroller General of the Patent Office should be empowered to refer all complaints against agents to the Discipline Committee? Could prior misconduct be taken into consideration upon a subsequent charge of unprofessional disgraceful conduct?

Clause 20.—I would submit, for the consideration of the honourable Committee, whether a separate account should not be kept of all moneys received from registration, and that should any balance accrue, after deducting the expenses of keeping the register, of prosecutions, of holding examinations, and of any other matters strictly relating to the registration of agents, such balance should, whenever of substantial amount, instead of becoming the property of the authority charged with the care of the Register of Patent Agents, be devoted to the reduction of future annual subscriptions.

Clause 27.—If this clause should be adopted, should not a notice in writing of such provision be given to each registered agent within, say, one month of the passing of the Act?

II.—Observations upon the Bill submitted by the Society of Patent Agents.

Broadly speaking, the objects of the Society's Bill are the same as those of the Chartered Institute, with the exception of the proposals as to the custody of the Register.

The remarks above offered upon the clauses of the Chartered Institute Bill, it is submitted, equally apply to the corresponding proposals of the Society's Bill.

Patent Office, 30 June 1894. (signed) *H. Reader Lack.*

APPENDIX, No. 4.

PAPER handed in by the *Registrar.*

A Meeting of Registered Patent Agents was held in the Examination Hall of the Incorporated Law Society, Chancery-lane, on Wednesday, 20th June 1894.

There were 58 registered agents present.

The registrar having read the notice convening the meeting, reported that the joint committee appointed at the former meeting had held a conference extending over six hours, and had prepared a Memorandum, of which copies could now be distributed.

Mr. Mewburn was elected chairman.

The minutes of the previous meeting were read, amended, and confirmed.

The registrar read letters from Messrs. J. Newton, T. Wilkins, G. C. Douglas, B. T. King, J. O. O'Brien, H. Cheetham, J. E. Walsh, and F. Richmond.

The registrar read the remarks of the Chairman of the Select Committee made at the last meeting of that Committee.

It was agreed that the printed copies of the Memorandum of the joint committee should be distributed.

The Memorandum was as follows:—

Patent Agents Registration Bill.

Committee appointed in accordance with resolution of meeting of Registered Patent Agents held at the Law Institution, the 8th June 1894.

Memorandum.

The Institute Bill to be adopted with the following modifications:—

To be inserted in Clauses 27 and 28:

"It being understood that the issue of advertisements or circulars shall not necessarily be a bar to admission by the committee, but that each case shall be considered on its merits."

It

It is understood by the committee representing the varying interests of the profession that no objection to No. 46 of the draft bye-laws prepared by the Institute, and now before the Privy Council, shall be taken.

It is also understood that if no consent Bill be passed this Session all understandings terminate.

The council shall be elected by voting papers sent by post or otherwise.

The committee of selection to consist of—

Six registered patent agents who have been in practice for the last five years, to be nominated by the Comptroller, three of them to be Fellows of the Institute, and three non-members of the Institute, and one barrister, who is to be chairman, to be nominated by the Lord Chancellor.

Agreed to by the undersigned, subject to confirmation by the bodies we represent.

(signed) *William Carpmael.*
Wm. P. Thompson.
John E. Bousfield.
W. Gadd.
Benjn. T. King.
J. C. Mewburn.

14 June 1894.

(*N.B.*—Mr. Wilkins had to leave after the first three hours of the meeting, to give evidence before the Select Committee.)

After considerable discussion, the following resolution was moved and seconded :—

"That the Bill of the Institute be adopted as modified by the Memorandum prepared by the joint committee."

Ten of the agents present, including members of the Society of Patent Agents, then withdrew.

The motion was put and carried *nem. con.*, 44 voting for the motion.

The chairman was requested to report to the Select Committee the proceedings of this and of the former meeting, together with those of the joint committee.

The meeting then terminated.

APPENDIX, No. 5.

PAPER handed in by the *Chairman.*

Chartered Institute of Patent Agents and Others *v.* Lockwood.

JUDGMENT.—11 June 1894.

HOUSE OF LORDS.—Monday, 11 June 1894.

The Chartered Institute of Patent Agents and Others, Appellants ; and Lockwood, Respondent.

LORDS PRESENT :

The Lord Chancellor.	Lord Morris.
Lord Watson.	Lord Russell of Killowen.

JUDGMENT.

THE LORD CHANCELLOR :

MY Lords, in this case the summons of the present Appellants claims a declaration that the Defender was not registered as a patent agent in pursuance of the Patent Designs and Trade Marks Act, 1888, and was not entitled to describe himself as a patent agent ; and, in the second place, that the Defender ought and should be interdicted, prohibited, and discharged from describing himself as a patent agent. The Pursuers in the action were the Institute of Patent Agents and three registered patent agents practising in Glasgow. An interdict in the terms concluded for by the summons was granted by Lord Low, the Lord Ordinary, who came to the conclusion that the Defender had held himself out as a patent agent when not registered, and that he was therefore liable to be interdicted in the manner prayed.

When the case came before the Second Division of the Inner House they recalled the interdict. They came to the conclusion that although the Defender was not registered as a patent agent, and had been holding himself out as such without being registered, his name had been improperly removed from the register by the Institute of Patent Agents or the registrar appointed, and, consequently, that although not registered he could not be treated as having committed an offence by so holding himself out. The majority of the learned judges came to the conclusion that the rule under which the registrar had purported to erase his name was invalid, being *ultra vires*, although duly made by the Board of Trade, with the formalities, and in the manner prescribed by the Act. They came to this conclusion on somewhat different grounds, to which I shall have to call attention in a moment. I will first state to your Lordships what are the statutory provisions and what are the rules made under them.

Provisions relating to the registration of patent agents were first made in the year 1888 by the 1st Section of the Patents, Designs, and Trade Marks Act of that year, which provided that after the 1st of July 1889 a person should not be entitled to describe himself as a patent agent unless registered as such in pursuance of the Act ; and, next, that the Board of Trade should, as soon as might be after the passing of the Act, and might, from time to time, make such rules as were, in the opinion of the Board of Trade, required for giving effect to the section. It contains a further provision, which I shall have occasion to call attention to in a minute or two. It further provides that "if any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on summary conviction to a fine not exceeding 20*l.*"

It will be observed that the enactment does not provide for the manner in which the register is to be formed, who is to be the registrar, the formalities requisite for registration, or any particulars in relation to it, but it leaves it to the Board of Trade to make such general rules as, in their opinion, are required for giving effect to the section, the effect of course intended by the Legislature being the establishing of a complete system of registration for patent agents. The Board of Trade accordingly made a number of rules, and amongst them a rule requiring a certain fee to be paid on first registration, and an annual fee of three guineas so long as the person continued on the register, and provided further that non-payment of the required fees should be a ground for erasing the name from the register.

My Lords, the Lord Ordinary considered that those rules were *intra vires*. The majority of the Inner House appear to have thought that no rules with reference to fees could be *intra vires*, inasmuch as the power to impose fees was not expressly conferred. Lord Rutherfurd Clark, I gather, dissented from that view, and concurred with the Lord Ordinary in thinking that some fees might be properly imposed by rule, but he said: "It is quite possible that fees may be exacted for the maintenance of the register, but the fees which are fixed by the rules are plainly in excess of what is required for that purpose, and it is equally plain that they were not imposed in order to carry that purpose into effect." My Lords, I am unable to see upon the record any foundation for that conclusion. It seems to be suggested that there was an admission, that they were larger than would be required for such a purpose, but no such admission has been made at the Bar, nor does it appear on the record, and I cannot but think that there was some misapprehension as to there being any admission going to that extent.

My Lords, I confess that it seems to me, if there were any power to impose fees at all, very difficult indeed to arrive at the conclusion, when the Board of Trade have sanctioned a particular fee, that it is within the province of a court of law to canvass their conclusion, and to determine what is a legitimate amount at which the fee may be fixed. A body such as the Board of Trade is very much more competent to determine a question of that description than judges can possibly be, and it would be, I think, not an improvement upon any scheme of legislation which gave power to fix fees at all, if those fees were made subject to the control of the judges according to their views of what fees were reasonable or unreasonable.

My Lords, the question whether there is any power to impose a fee at all is no doubt a much more serious question. The contention on the part of the Respondent is that there being no express power given to impose fees, this is the imposition of taxation which it can never be supposed that it was intended to commit to a public body without express sanction and authority. I cannot myself regard this as properly called taxation. The Statute of 1883, of which this Act in many particulars is an amendment, creates a register, or, at all events, continues a register, and it provides that the Board of Trade, with the sanction of the Treasury, may regulate the fees to be required for registering and doing othe acts in connection therewith; and of course the fixiug of fees for a vast variety of matters being left to a rule-making body is a description of legislation thoroughly well understood. It is every day practice for those to whom rule-making is committed, to have committed to them also the fixing of the fees which are to be paid in relation to the matters to be done under the rules. There is, therefore, nothing novel in legislation of this description. But it is said that no such right is expressly conferred. My Lords, it is impossible to my mind to conceive wider language than that which is used in the second sub-section of the first section of the Act of 1888. The truth is, the legislation is a skeleton piece of legislation left to be filled up in all its substantial and material particulars by the action of rules to be made by the Board of Trade. The section itself contains no provision with reference to the register or the registrar, or proceedings on registration, or any of those matters, but it gives very wide power to the Board of Trade to make such rules as are in their opinion required for giving effect to the section. It seems to me that upon that it was their duty to make all the rules necessary for making the legislation contemplated by the section effective. The Legislature must be taken to have contemplated that a register could not be made without someone filling the office of registrar or some corresponding office; that any person performing those duties would require a payment for performing them; that the funds not having been expressly found by Parliament, must be somehow or other provided; and seeing that the system and scheme of the legislation under the previous Act had been that fees on registration should, at all events, go towards the expenses of paying for registration, I cannot but think that it was well within the scope of this enactment that the Legislature should entrust the Board of Trade, who were to make these rules, with the power of fixing such fees as they thought reasonable and necessary for carrying into effect the purposes of the section. Unless they had done so, it seems to me very difficult to say that it would have been possible to carry them into effect at all. With all deference to the learned judges who have taken a different view, it seems to me that the conclusion at which they have arrived has been induced by not sufficiently regarding the method of legislation which has been followed in this section now under consideration, and not observing that it was the intention of the Legislature really, having expressed the general object, and having provided the necessary penalty, to leave the subordinate legislation, so to speak, to be carried out by the Board of Trade.

My Lords, what I am about to say bears also upon the further question that has been argued. It is said that this would be a very large power for the Legislature to commit to any other body: but it must be remembered that it is committed to a public department, and a public department largely under the control of Parliament itself, and not only so, but inasmuch as the section provides that these rules are to be dealt with in the same manner, and subject to the provisions contained in the 101st section of the previous Act, the result is to leave the matter completely in the control of Parliament, because any of the rules made by the Board of Trade may be annulled by either House of Parliament within 40 days after they are laid on the Table, and the laying of them on the Table is made compulsory. Therefore, my Lords, I can see nothing extraordinary in leaving to such a body as the Board of Trade the powers which are in question in this case, at all events when the exercise of their functions by a great public department of State, itself under the control of Parliament, is placed directly under the control of Parliament also, and made subject to its direct action.

My Lords, that really would be sufficient to determine that these rules were such as the Board of Trade were entitled to make. I will say one word, however, before leaving this part of the subject, upon the point suggested, that they involved something harsh or unfair as regards the Respondent, inasmuch as it was said that before this he could exercise his profession or calling of a patent agent without any registration, without the payment of any fee, and now he can only do so and call himself a patent agent, representing himself as such, by paying an annual fee to keep on the register. That is, in a sense, perfectly true; but, on the other hand, it must be remembered that the position of a patent agent on the register, when nobody not on the register can call himself a patent agent, is a position very different, and, in many respects, much more advantageous than that which he occupied before; and I am not prepared to say that there is any hardship in imposing a small and reasonable fee upon a man who obtains that advantage in order that the register, in the interests of the public, may be carefully and properly maintained.

Then it is said that a right expressly given him by the statute is interfered with, inasmuch as the statute provides that "Every person who proves to the satisfaction of the Board of Trade that prior to the passing of the Act he had been *bonâ fide* practising as a patent agent, shall be entitled to be registered as a patent agent in pursuance of this Act." Well, my Lords, a complaint is not now made that he was not so registered. It is sought to read this statute as if it ran thus: "Shall be entitled to be registered, and ever thereafter maintained on the register," which does not appear to me to fall within the language of the Act. But further than that the argument loses sight of this, that he is only entitled to be registered in pursuance of this Act. Now, where is there anything in this Act about his title to be registered at all, or how is he to get on the register, or who is to put him there, or what register is it to be, and kept by whom? Nothing of the sort is to be found in the section. The words "in pursuance of this Act" only become intelligible if you read into the section, as the statute provides you shall, the rules that are made under Sub-section 2. But if you read into the section, as showing how he is to be registered in pursuance of the Act, the rules that are made under Sub-section 2, then of course every rule which is *intra vires*, at all events, putting aside for the moment the other question, is to be read into the section, and have just the same effect as if it had been contained in the section or in the Act itself, and if so, it is impossible to say that he can claim to be registered otherwise than in the manner which the statute as filled up, if I may so, by the rules provides.

My Lords, so far I have dealt with the question whether the rules are *intra vires*, but there is no doubt a very important question which has been argued before your Lordships, namely, whether the question can be canvassed in the Courts, whether the rules were such as were in the contemplation of Sub-section 2 of Section 1 of the Act of 1888, when once the rules had been made by the Board of Trade and laid as provided on the Tables of both Houses of Parliament. It is said that it is only rules that are properly made under Sub-section 2 which can become part of the Act, and are to be treated as such

Now,

Now, my Lords, the words of Sub-section 2 are "The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are in the opinion of the Board required for giving effect to this section and the provisions of Section 101 of the principal Act, shall apply to all rules so made as if they were made in pursuance of that section." Therefore, any rule which is a rule which, in the opinion of the Board of Trade, is required to be made in order to carry this Act into effect, is a rule made pursuant to the provisions of Sub-section 2, and any rule made pursuant to the provisions of Sub-section 2 is to be dealt with under Section 101 as if made in pursuance of that section. Now, let us see what is to be the effect as regards rules made in pursuance of Section 101 of the Act of 1883. First of all "The Board of Trade may from time to time make such general rules and do such things as they think expedient," and then "general rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judically noticed." The "subject as hereinafter mentioned" is this, that they are to be laid before Parliament, and remain before Parliament for consideration for 40 days, and during those 40 days they may be annulled by a Resolution of either House. If not so annulled or until so annulled, what is the effect? They are to be "of the same effect as if they were contained in this Act." My Lords, I have asked in vain for any explanation of the meaning of those words, or any suggestion as to the effect to be given to them if, notwithstanding that provision, the rules are open to review and consideration by the Courts. The effect of an enactment is that it binds all subjects who are affected by it. They are bound to conform themselves to the provisions of the law so made. The effect of a statutory rule, if validly made, is precisely the same that every person must conform himself to its provisions, and, if in each case, a penalty be imposed, the penalty is imposed equally for a breach of the rule. But there is this difference between a rule and an enactment, that whereas apart from some such provisions as we are considering, you may canvass a rule, and determine whether or not it was within the power of those who made it, you cannot canvass in that way the provisions of an Act of Parliament. Therefore there is that difference between the rule and the statute. There is no difference, if the rule is one within the statutory authority, but that very substantial difference, if it is open to consideration whether it be so or not.

My Lords, I own I feel very great difficulty in giving to this provision that they "shall be of the same effect as if they were contained in this Act," any other construction than this, that you shall, for all purposes of construction or obligation, or otherwise treat them exactly as if they were in the Act. No doubt there might be some conflict between a rule and a provision of the Act. Well, there is a conflict sometimes between two sections to be found in the same Act. You have to try and reconcile them as best you may. If you cannot, you have to determine which is the leading provision and which the subordinate provision, and which must give way to the other. That would be so with regard to the enactment and with regard to the rules to be treated as if within the enactment. In that case probably the enactment itself would be treated as the governing consideration, and the rule as subordinate to it. Those are points which it is not necessary to dwell upon on the present occasion.

Although it is not necessary for the determination of this case to express an opinion upon it, yet, as the matter has been so much canvassed, I think it only right to express the opinion which I entertain, that the words to which I have referred are really meaningless unless they have the effect which I have described, and they seem to me to be the apt and appropriate words for bringing about the effect which I have described. They are words, I believe, only in comparatively recent years, to be found in legislation, and it is difficult to understand why they have been inserted unless there was some such object as I have indicated.

Now, my Lords, I have dealt at length with the question whether this rule is *ultra vires* or not, and whether it can be so treated, because it is the ground upon which the decision proceeded in the Court below; and inasmuch as an adverse view was expressed to the validity of the rule, it appears to me well that, differing as I do from that view, I should express my differing opinion.

But that does not really conclude this case. The further question remains which was dealt with in some subsequent observations of one of the learned judges, Lord Young, whether, even assuming that the rule is bad, assuming that the name of the Defender was properly erased, assuming that he had no right to practice as a patent agent, assuming that by doing so he rendered himself liable to the penalty prescribed, it is open to the Institute of Patent Agents and three practising patent agents to come to the Court of Session, and ask for the conclusions to be found in the summons of the Pursuer. My Lords, upon that I confess, with all deference to the Lord Ordinary, I cannot but entertain a very strong opinion. You have here, for the first time, a new offence created, the offence of practising as a patent agent without being on the register. But for that enactment creating that offence, the Defender has done nothing of which anybody would have a legal right to complain either civilly or criminally. The Legislature having created that new offence, has prescribed the punishment for it, namely, a penalty of 20*l*. Can it possibly, under these circumstances, be open to bring the individual not before the summary Court at small expense to determine the question of his liability to a 20*l*. penalty, but to bring him before the Court of Session with its attendant expense, and to ask the Court of Session to make a declaration that he has been breaking the law in a manner which the Legislature has said subjects him to a penalty, and then having proved that he has rendered himself liable to a penalty, to ask the Court of Session to interdict him; with this result, that if he were to offend again he would not be subject to the summary procedure and the 20*l*. penalty, but would be liable to imprisonment for breach of the interdict.

My Lords, it seems to me, I confess, scarcely necessary to do more than state the contention to show that it is impossible that it can be supported. If that be the law the number of cases must have been almost innumerable in which such a proceeding would have been competent, and yet it is absolutely unheard of. I will not dwell upon the grave inconveniences which would result from sanctioning a procedure of that description. The mode of procedure and the amount of penalty are often regarded by the Legislature as of the utmost importance when they are creating new offences, and the law would, I believe, contrary to their intention, be most seriously modified if it were held that the party committing a breach of that which, for the first time, is made an offence, were to subject himself by so doing to proceedings of this description which might result in a committal to prison.

My Lords, for these reasons, I think, that this action was not competent. It is not necessary to decide whether there are any cases in which a declaration might be asked. The only declaration asked in fact here is a declaration of the law as set out in the 4th Sub-section of Section 1, and a declaration that the Defender has broken the law. That is the only declaration asked for. Obviously the sole object of the action is an interdict.

For these reasons, although not on the grounds on which the Court below have proceeded, I concur in the result that the action cannot be maintained, and move your Lordships that the Appeal be dismissed. Although I differ, and I believe all your Lordships differ, from the Court below in the grounds upon which you are dismissing the action, yet I do not think it ought to make any difference with regard to the costs, because, for the reasons I have given, I think that the proceedings ought never to have been taken, that the Defender might well defend himself on any ground that he could, and that, therefore, the Appeal ought to be dismissed, with costs.

LORD WATSON:

My Lords, I find myself of the same mind with the Lord Chancellor on both the points which he has discussed. I agree with the noble and learned Lord that it is impossible to sustain the judgment of the Second Division upon the grounds which have been assigned for it, but that that judgment is a right judgment upon a ground which was pointed out by Lord Young at the close of the advising on the case.

My Lords, it appears to me that were the House to sustain the present action as a competent one it would lead to very grave and very unfortunate results. In reality it is a case in which the interference of the civil tribunal was invoked for the purpose of repressing that which the Legislature intended should be dealt with as a crime. I do not think it was intended by the Act of 1888 to create in the patent agents whose names were on the register a right which they were to defend against those who were using the term "patent agent" without having their names on the register by means of a resort to the learned Lords of the Court of Session. On the contrary, I think

I think it was the plain meaning of the Legislature that when a man whose name was nor on the register chose to hold himself forth as a patent agent, the full measure of punishment to be inflicted upon him should be a fine within the sum limited, namely, 20*l.*, to be apportioned by a summary court of criminal jurisdiction. If your Lordships should take another view upon this point, I feel assured that there is a great mass of statutes regulating sanitary and other improvements for the benefit of the general public, which every neighbouring member of the public has a certain interest in seeing enforced, as to which it would never do to permit the civil courts to intrude into that domain at all; because I think it is clear upon the face of the legislation that breaches of those laws were intended to be dealt with simply as a matter of police regulation, to be punished by a fine. Here in the Act of 1888 the main intention of the Legislature appears to me to have been to protect poor inventors from being robbed of the merits and fruits of their invention by their employing unskilled patent agents, who failed to make a specification and claim in such a form as would secure to them the fruits of their invention.

My Lords, upon the other point, looking to the view which your Lordships take of the incompetency of this suit, it is certainly not necessary for its decision to observe upon the grounds which were set forth by the learned judges of the Second Division in giving their opinions; but I concur with your Lordships in thinking that although the question does not arise in this case for judicial determination, there being no competent action before us, still seeing that the point has been decided in the Court below, and that we have heard a full argument upon it, it is right that your Lordships should express an opinion upon the point. I must say that for my own part I have felt very little difficulty in rejecting the view which commended itself to the learned judges of the Appeal Court below.

The first section of the Act of 1888 by the first sub-section imposes a prohibition upon persons whose names are not on the register against using the description of "Patent Agent;" and then the next sub-section lays upon the Board of Trade the duty of making bye-laws or regulations for the purpose of giving effect to that. I mean regulations for establishing and maintaining a register of patent agents; those who had been patent agents before the date of the Act having their names inserted, as a matter of course, if they complied with the regulations; those who were not in that position, and who were subsequently admitted, having their qualifications tested by examination, or in some other mode.

Now, my Lords, it appears to me that the whole scheme was left to the discretion of the Board of Trade, and it is impossible for me to say that, looking to those regulations, the Board of Trade have in any measure, exceeded that discretion. Nay, it goes further than discretion; the words of the statute are, that the Board of Trade "may make such general rules as are, in the opinion of the Board required for giving effect to the section." I should not be of opinion that the Board had not strictly complied with their statutory duty, unless I were satisfied of this, that the scheme presented by them was such a fantastic or ridiculous scheme that it really did not express the opinion of the Board of Trade. It was by their opinion, not by any judicial opinion, that the matter was to be determined. The Legislature retained so far a check, that it required that, whatever might be the conclusion of the Board of Trade, the regulations which they framed would be laid upon the Table of both Houses; and of course these regulations would have been annulled by an unfavourable resolution upon a motion in either House. But what is to be the effect if no such motion be made or carried, or also (which would be the same thing), if a motion hostile to the scheme be made in both Houses, and carried in both Houses? The statute makes no difference between these cases. The views expressed by the learned judges in the Court below, so far as I understand them, would in that case make it quite as competent for the Court to inquire as its own hand, whether or not the Board had been within the statute in a case where the Legislature had declined to interfere.

But, my Lords, I think that all doubt upon that subject, or connected with that subject, is entirely removed by the terms of Section 101 in the Act of 1883, which for all practical purposes is incorporated with Section 1 of the later Act. "Any rules made in pursuance of this section," in applying the earlier statute to the latter, you must read it as, "Any rules made in pursuance of Section 1, Sub-section 2, of the Act of 1888;" and assuming, as I have already said, and am prepared to hold, that the regulations before us were made and duly made by the Board of Trade in pursuance of Section 1, Sub-section 2, of the Act of 1888, then in that case these words apply "shall be of the same effect as if they were contained in this Act, and shall be judicially noticed." My Lords, in regard to those words which I have just read, I do not think I can express my meaning more plainly than by saying that I think they mean exactly what they say. Such rules are to be as effectual as if they were part of the statute itself; and they are. I do not know whether the Legislature had anticipated what might possibly occur in some Court or other, but they have added what does not certainly detract from the effect of the preceding words, that all Courts shall take notice of these rules, and accordingly administer them as if they formed part of the Act. That is precisely what the Court below have failed to do, and had there been occasion to decide the point, I certainly should have disagreed with them upon it.

LORD MORRIS:

My Lords, I am quite of the same opinion as the noble and learned Lords who have preceded me, namely, the noble and learned Lord upon the Woolsack, and my noble and learned friend opposite, on the two main propositions, first, that the action was incompetent, as being brought by persons who had no right to an interdict, and, secondly, that the general rules made by the Board of Trade in this case are *intra vires*, and come within the powers conferred upon them by Section 1, Sub-section 2, of the Act of 1888, combined with Section 101 of the Act of 1883.

I could add nothing usefully, and therefore would not waste your Lordships' time by saying more, except that I cannot go to the further proposition, which, as I understand, the noble and learned Lord on the Woolsack has laid down, that it is not competent for the Courts of Justice to consider whether these general are *intra vires* or *ultra vires*. I am of opinion that it is not alone competent for the Courts of Justice to consider, but that it is their bounden duty to consider, whether the rules are *ultra vires*; that there is no general power delegated by the Legislature to the Board of Trade to make general rules in such a way that any general rules which they make are to be considered *intra vires*, provided they are laid before both Houses of Parliament, and provided that nobody has taken the trouble either to read them or to make any motion upon the subject.

In this case I have arrived at the opinion that the sections can be reasonably read, and ought to be read in accordance with that rather abstract proposition. Sub-section 2 of Section 1 of the Act of 1888 has been repeatedly referred to. "The Board of Trade shall, as soon as may be after the passing of this Act, and may from time to time make such general rules as are in the opinion of the Board required for giving effect to this section, and the provisions of Section 101 of the principal Act shall apply to all rules so made as if they were made in pursuance of that section." Section 101, Sub-section 3, which is to be read with that, is "General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed." Now I admit that the words are very strong; the general rules are to have the same effect as if they were embodied in the Act; I accede to that. But what general rules? General rules which are made for "giving effect" to that section; not all general rules; there is no such power, in my opinion, given to the Board of Trade. What are the general rules which are to have the same effect as if they were contained in the Act? The general rules made under the section, general rules such as the Legislature has, under Section 101, delegated to the Board of Trade the authority of making. But if a court of justice (before whom all these questions must come) ultimately considers that certain rules are rules which do not come within this section, in my opinion they would be *ultra vires*, and it would be the duty of the Court not to regard them as operative. As regards the question of their receiving any judicial sanction from the fact of their being laid before both Houses of Parliament, I cannot concur in that. That is a matter of precaution; they do not receive any *imprimatur* from having been laid before both Houses of Parliament; it is only that an opportunity is given to somebody or other, if he chooses to take advantage of it, of moving that they be annulled. It is a precaution which in ninety-nine cases out of a hundred (I should think the exceptions would scarcely be more than one in a million), would be practically a sufficient precaution; but with reference to the abstract proposition,

proposition, which was queried in the judgment of the Master of the Rolls which has been cited, I have arrived at the conclusion that if the rules were seen not to be such rules as it was contemplated the Board of Trade should have the authority of making under the sections giving them the authority of making rules, it was the duty of the Court to determine that they were *ultra vires*.

LORD RUSSELL OF KILLOWEN :

My Lords, I agree in the conclusion at which your Lordships have arrived.

My Lords, on the facts of this case I think the second plea of the Respondent is a good answer to the action, on the ground that the remedy is not injunction, but summary prosecution under Section 1, Sub-section 4, of the Act of 1888. As to the broader questions, I think the rules are *intra vires*, and are therefore valid and binding, even apart from the provision of Section 101 of the Act of 1883, which is incorporated in and made part of Section 1, Sub-section 2, of the Act of 1888, namely, that the rules made are to have effect at if contained in the Act itself. But further, I think that if the rules are to be read as part of the Act (as I think they ought to be) it is not, in this case, competent to judicial tribunals to reject them. Such effect must be given to them by judicial construction as can properly be given to them, taking them in conjunction with the general provisions of the Act or Acts of Parliament in connection with which they have been formulated.

MR. GRAHAM MURRAY :

Before your Lordship puts the question may I be allowed to say a word on the form of the Decree? The judgment as it stands is one of absolvitor. I think the judgment of the House would lead to a judgment of dismissal.

LORD WATSON :

Yes, I think the suggestion made at the Bar is right; it ought not to be an absolvitor. The proper form is, "Recall the Decree of Absolvitor, and dismiss the action," or "Remit to the Court below to dismiss the action."

Question put, and agreed to, That the Interlocutor appealed from be reversed, and the cause remitted to the Court below, with a direction to dismiss the action with costs; and that the Appellants do pay the costs of this Appeal and the costs in the Court below.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the figures following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Special Report and in the Proceedings of the Committee.]

A.

ACCOUNTS (*REGISTRATION*). Submission of accounts (*App.* 197) showing the whole amount of the fees received and the expenditure down to the present time; inclusion of the fees that have been received since the Lockwood case and carried to a suspense account, *Graham* 1284–1290. 1312, 1313. 1325–1339. 1370–1375.

Acts of 1883 *and* 1888. Great impetus given by the Patents Act of 1883; enormous increase in the amount of work transacted by the Patent Office and in business of a responsible character done by agents, *Hopwood* 38, 39.

Belief that the Act of 1888 was printed in the "Patent Journal," and that all *bonâ fide* patent agents knew that a register was being compiled, *Imray* 983–989.

Opinion that the Act of 1888 must be read with the Act of 1883, and that there is no authority in the Act of 1888 for charging registration fees; statutory right of all patent agents who are practising to be upon the register, *Fairfax* 1572–1599. 1730–1738.

Examination to the effect that the Act of 1888 was due to the conclusion arrived at by the Board of Trade that it was desirable from a public point of view to raise the status of the profession by establishing a register of patent agents; satisfaction of the Board with the working of the Act, *Sir C. Boyle* 2655 *et seq.* 2684–2687.

See also *Board of Trade.* *Chartered Institute of Patent Agents.* *Examinations.* *Registration.*

Advertising for Business. View of witness that the advertising of prices is unprofessional, undignified, and unnecessary; copy of the recommendations of the Chartered Institute as to advertising, handed in, *Wise* 557–580——Statement that the recommendations respecting advertisements for the guidance of the Council and Fellows of the Institute have never been made a condition of registration or of membership of the Institute; explanations as to the fifth, seventh, eight, and ninth recommendations, *ib.* 753 *et seq.*

Re-iteration of opinion that it is undesirable that the fees charged by patent agents should be advertised, as unprincipled agents advertise low prices in order to catch the unwary inventor; no difficulty in ascertaining a respectable agent's terms, *Wise* 766–782. 866–884.

Opinion that members of the Chartered Institute who have complained of unprofessional practices in regard to advertising, &c., have themselves or by their agents been guilty of the practices complained of; systematic disparagement by members of the Institute of those who are simply registered patent agents, *Wilkins* 3047–3079. 3143–3149.

Attention drawn to the fact that the Institute by accepting a certain memorandum prepared by a representative Committee of patent agents have waived their objection to certain methods of advertising which barred those agents who practised them from admission to the Institute, *Mewburn,* 3216, 3217. 3243 *et seq.* 3262–3269.

Amendments (*Patent Agents Registration Bill.*) Summary of amendments made by the Committee in the Bill, *Rep.* x–xiii.

Report, 1894—*continued.*

Applications for Patents. Provision in No. 8 of the Rules made by the Board of Trade for regulating the business of the Patent Office, that an application for a patent must be signed by the applicant, but that all other communications may be made through an agent duly authorised to the satisfaction of the Comptroller General of Patents, *Hopwood* 25–33. 253–261.

Disapproval of any alteration being made in Sub-section I. of Clause 6 of the Institute's Bill, which prohibits the Comptroller General from receiving documents signed by any person other than the applicant or registered agent, *Wise* 649–657—— Decided opinion that no one who is not on the register should be allowed to do anything whatever as the representative of an applicant for a patent; disapproval of the present practice of allowing any person to act for an inventor if recognised by the Comptroller of Patents, as in the case of F. Fanta, *ib.* 681–700. 727 *et seq.* 928–947.

Evidence to the effect that witness holds a court at times to hear oppositions to grants, there being an appeal from his decisions, and the agents engaging counsel to argue the important cases, *Sir H. R. Lock* 2452–2456.

Report of the Institute of Patent Agents to the Board of Trade, dated 31 December 1889, showing the number of applications to be placed on the register, the amounts received in fees, &c, *App.* 196.

B.

Board of Trade:

Jurisdiction of the Board over the Patent Office, for administrative purposes, under the Patents Designs and Trades Marks Act of 1883; *Hopwood* 3, 4. 25–33. 40–44—— Institution by the Board of a register of patent agents, with a qualifying examination and power of removal, in accordance with Section I. of the Patents Designs and Trade Marks Act of 1888; delegation of the custody of the register to the Institute of Patent Agents, *ib.* 69 *et seq.* 190–192. 225.

Explanation that the Board undertook the responsibility of making the register, every person who could show that he was a *bonâ fide* practising agent being put upon it; copy of the rules made by the Board for giving effect to Section I. of the Act handed in, *Hopwood* 73–98. 193–196. 300–307——General approval by the Law Officers of the Crown of the rules made by the Board of Trade, under which the Institute of Patent Agents were empowered to keep the register, hold examinations, and charge fees, the Inventors' Institute, the Incorporated Law Society, and the Institute of Mechanical Engineers having been previously consulted, *ib.* 99–113. 280–291.

Considerable difficulty felt by the Board in giving effect to the provisions of the Act of 1888, having regard to the decision of the Appellate Court in Scotland and to the contentions between the various parties; desire of the Board for legislation that will clear up the matter, *Hopwood* 181, 182.

Opinion that the arrangement proposed in the Institute Bill is better, in the interest of the public, than that, hitherto followed, of working under the Board of Trade, *Graham* 1361–1369.

Particulars of cases of disgraceful professional conduct on the part of the registered patent agents which were brought before the Board of Trade by the Institute; inaction of the Board in the matter, *Carpmael* 1423–1428. 1451–1457. 1484–1486.

Doubt as to the Board having spontaneously initiated the legislation that has taken place in regard to the registration and regulation of patent agents, *Lockwood* 2852–2878. 2912–2916.

Question by the Committee of certain provisions of the Act of 1888 as showing the functions to be discharged by the Board of Trade in connection with registration under the Act, *Rep.* iii, iv.

Reference to the rules established by the Board in order to give effect to the provisions of the Act of 1888, the Institute of Patent Agents having been entrusted with the custody of the register, the appointment of the registrar, and the examinations, *Rep.* iv.

See also *Acts of* 1883 *and* 1888. *Applications for Patents.* *Bye-Laws.* *Chartered Institute of Patent Agents.* *Discipline.* *Fees.* *Litigation.* *Registration.* *Representative Governing Body.*

Boyle, Sir Courtenay. (Analysis of his Evidence.)—Examination to the effect that the Act of 1888 was due to the conclusion arrived at by the Board of Trade that it was desirable from a public point of view to raise the status of the profession by establishing a register of patent agents; satisfaction of the Board with the working of the Act, 2623 *et seq.* 2655 *et seq.* 2684–2687—— Explanation that the register was entrusted to the Chartered Institute of Patent Agents because the Board of Trade considered that the interests of the patent agents and of their clients would be best served by allowing a body representing the profession to keep it, 2630–2635.

Report, 1894—*continued.*

Boyle, Sir Courtenay. (Analysis of his Evidence)—*continued.*

Expectation that now that the control of the profession is to be put upon a Parliamentary basis the Chartered Institute will be willing to make the governing body thoroughly representative and comprehensive, 2632-2635. 2664-2666. 2693-2695. 2708. —— Statement that the Board of Trade authorised the Institute to charge certain fees, it being considered fair that the persons entered on the register should defray the expense incurred in maintaining it; non-objection to the fees being lowered, if possible, 2636. 2696-2701.

Desirability of legislation with a view to removing all difficulties and putting the profession on a satisfactory basis, notwithstanding the decision of the House of Lords that the rules made by the Board of Trade under the Act of 1888 are good, 2637, 2638. 2653, 2654. 2706 —— Opinion that, in dealing with the two Bills that have been brought in, the claims of certain persons who appear to be doing patent agents' work, although not on the register, might be considered and settled, 2643, 2644. 2653.

View of witness that there should only be one class of patent agents, and that the term "patent agents" should not only comprise persons engaged in patent agents' work but also trade-mark work, and work akin to it, persons desiring to practise as trade-mark agents being compelled to qualify as patent agents in future, 2645-2648. 2678-2683. 2704-2707——Disapproval of the proposal to prohibit unregistered agents from doing patent work; opinion, however, that such persons should not be allowed to describe themselves as patent agents, 2649-2652. 2667-2677. 2687-2689.

Statement that the Board of Trade do not contemplate making any publication as to registered patent agents, but that there is no objection to the register being published in the official journal, or in some other way, periodically; intention of the Patent Office to reduce the price of copies of the register, which are now purchasable for one shilling each, 2674-2676. 2690, 2691—— Opinion that the character of the patent agency profession has improved in consequence of the operations of the Institute and of other bodies, 2692, 2693.

Deprecation of the suggestion that a portion of the cost of maintaining the register might be met out of the large surplus of income enjoyed by the Patent Office, 2702, 2703——Approval of the suggestion that there should be a properly constituted disciplinary body representing the profession, with an appeal to the High Court of Justice, 2709-2711.

Bristow, Ebenezer John. (Analysis of his Evidence.)—Witness is a member of the firm of Wilson, Bristows, and Carpmael, solicitors, who have had forty years' experience in patent matters, is past president of the Incorporated Law Society, and represents the views of the Society, 1762-1767. 1816.

Objection of the Incorporated Law Society to both the Patent Agents Bills on the ground that they would deprive solicitors of the right of conducting patent business; until recently patent work was essentially legal business, and was transacted by solicitors, 1768-1772. 1779, 1780——Evidence to the effect that both the Chartered Institute and the Society of Patent Agents have agreed to amendments, which, if adopted, would remove the Incorporated Law Society's objections to the Bills, 1773-1776. 1815.

Detailed information respecting the Incorporated Law Society, showing that it is not exclusive in any way; explanation that the fees for membership are low, because of the payments that solicitors have to make to the Government, 1781-1814.

Bye-Laws. Explanation that in view of the decision of the Appellate Court in Scotland, the Board of Trade have not advised Her Majesty in Council to give any sanction to bye-laws proposed by the Chartered Institute under Article 35 of the Charter, *Hopwood* 154, 155. 292-299.

C.

Candidates for Examination. Approval of the condition that a candidate for examination shall have been engaged for seven consecutive years with a registered patent agent; personal inclination of witness, however, to allow service in an engineering, electrical, textile, or chemical establishment to count, within reasonable limits, *Wise* 658-667.

Non-objection to candidates for the register who had not completed seven years as assistants to patent agents, counting the time passed in the workshop, *Graham* 1381-1384——Illustration of the injustice committed by the Institute under their rule that candidates for examination must have served seven years with a registered patent agent, *Gadd* 1963-1970. 2004-2008.

Inclination of witness to reduce the number of years that candidates for examination must have served with a patent agent and to allow time in any large establishment, where science is technically applied to count, *Wilkins* 3150-3152.

See also *Qualifications.*

Report, 1894—*continued.*

Carpmael, Edward. (Analysis of his Evidence.)—Witness is a patent agent in considerable practice; is also a member of the Discipline Committee appointed by the Council of the Chartered Institute for investigating complaints against registered agents, 1392, 1393.

Information as to the action taken by the Discipline Committee in regard to infringements of Section I of the Act of 1888, warning letters having been sent in eighty cases, and prosecutions instituted in three cases; variety of titles used by unregistered patent agents to mislead the public, 1397–1412. 1470–1479——Great number of complaints addressed to the Institute from America against unregistered persons in this country who have taken fees for patenting American inventions but have never patented them; urgent necessity for legislation to prevent such practices, 1413–1423. 1480–1486. 1496–1501.

Particulars of cases of disgraceful professional conduct on the part of registered patent agents which were brought before the Board of Trade by the Institute; inaction of the Board in the matter, 1423–1428. 1451–1457. 1484–1486——Statement that in many cases the conduct of registered patent agents has been highly suspicious, showing a very bad state of things in the profession, 1429–1431. 1439–1445. 1488–1490.

Attention drawn to the fact that the patent agency profession differs from other professions in that large sums pass through the hands of patent agents for fees, &c., and the clients have to trust very much to the honesty of the agents, 1432–1439. 1487——Grounds for the belief that if the Institute's Bill passes it will have a prejudicial effect on first-rate patent agents, 1445, 1446.

General concurrence of witness with the evidence given by Mr. Lloyd Wise and Mr. Imray, especially as to the undesirability of the Institute taking charge of the registration of patent agents if the same results can be arrived at in any other way, 1447–1450——Non-objection in principle to the outside registered patent agents being represented on the Discipline Committee; belief that a representative Committee could be safely given the control of the register, 1451–1469. 1502–1506——Necessity of patent agents being charged registration fees; opinion, however, that the fees might now be reduced, 1491–1495.

"*Carpmael's Patent Laws.*" Explanation that copies of a supplement to "Carpmael's Patent Laws of the World" are not issued to non-members because its cost was defrayed from the annual subscriptions of the Fellows of the Institute, *Graham* 1308,1309, 1340–1350.

Chartered Institute of Patent Agents:

Incorporation of the Institute of Patent Agents in 1882 by licence of the Board of Trade under Section 23 of the Companies Act of 1867, *Hopwood* 11–23——Explanations in connection with the register adopted by the Board of Trade and with the delegation of its control to the Institute of Patent Agents, *ib.* 69 *et seq.* 190–192. 225.

Grant of a Royal Charter in 1891 to the Institute of Patent Agents; issue of new rules by the Board of Trade, transferring the duties under Section I. of the Act of 1888 to the Chartered Institute, *Hopwood* 114–121. 157. 226–229. 292.

Information respecting the Institute, which was founded in 1882 and registered under the Companies Acts, afterwards obtaining a Royal Charter; copy of the Charter handed in, *Wise* 356–358. 418–421. 581–587——Explanation that the Institute, acting in accordance with the rules made by the Board of Trade under the Act of 1888, established a register of patent agents and appointed a registrar to keep it, and conducted examinations for admission to the register, charging the fees specified in the rules, *ib.* 359–361. 603–618.

Disagreement of witness with the proposition that every patent agent on the register should be admitted to the Chartered Institute; willingness, however, to admit every practitioner who really ought to be on a properly purged register, *Wise* 483 *et seq.* 637–644——Possibility of a reduction in the subscription to the Institute if the membership greatly increased, especially as there is a large surplus at present, *ib.* 720–725. 788, 789.

Contention that, although only seventy-four of the 246 patent agents on the register are members of the Chartered Institute, the request of the Institute to be allowed to control the profession is not unreasonable, the sole desire being to make the register eventually an index to respectable practitioners, *Wise* 727–740. 790–809——Information respecting the original constitution of the Institute; the bulk of the profession were aware that it was being formed, *ib.* 844–859.

Information as to the founding of the Institute of Patent Agents, the chief object being to secure a high status of qualification and probity on the part of members of the profession; copies of circulars and memoranda in connection with the first meetings handed in, *Imray* 951. 957 *et seq.*; 1207——Explanation that when the Institution was being formed an honest endeavour was made to gather into the association all the recognised

Report, 1894—*continued.*

Chartered Institute of Patent Agents—continued.

recognised and respectable patent agents that were known; exclusion of only three or four for acts that were considered dishonourable, *Imray* 964–967.

Registration of the Institute in the first instance under the Companies Act, a Royal Charter being subsequently obtained in order that a register of respectable patent agents might be established, *Imray* 970-976——Information as to the membership of the Institute, there being associates as well as fellows; inclusion also of a large body of foreign members, *ib.* 977–979. 1134, 1135. 1170–1174.

Statement that the Institute is not at all exclusive, but is prepared to admit any one who is fit; disapproval, however, of any scheme to admit all the registered patent agents, *Imray* 1032 *et seq.* 1094. 1125–1131. 1172–1192. 1217, 1218——Willingness of the Institute to continue to act under the Board of Trade, or any other authority, if it has express directions under Act of Parliament, *ib.* 1166–1169.

Complete set of the Transactions of the Institute, and of the audited and published accounts, handed in; also, copies of various circulars that have been issued by the Institute, *Graham* 1293-1295——Evidence to the effect that the Institute is entirely self-supporting and independent of the registration money, *ib.* 1295-1300.

Opinion that the effect of the incorporation of the Institute by Royal Charter has been to raise its professional status in public estimation; suggestion of a charter by the Board of Trade when conferring the registration and other duties on the Institute, *Graham* 1301–1305.

Strong objection to the Chartered Institute of Patent Agents on the ground that it is not representative; contention that the present system concentrates the whole control of the profession in the hands of a few London firms, who are working against the interests of the outside registered agents, *Fairfax* 1525 *et seq.* 1669-1672. 1705-1716——Disinclination of the bulk of registered patent agents to join the Institute; practical difficulty in securing the nomination and election of those who are opposed to the Institute, *ib.* 1678–1686.

Explanation that the register was entrusted to the Chartered Institute of Patent Agents because the Board of Trade considered that the interests of the patent agents and of their clients would be best served by allowing a body representing the profession to keep it, *Sir C. Boyle* 2630–2635.

Reference by the Committee to the transfer to the Chartered Institute, in November 1891, of the powers and duties of the Institute of Patent Agents, *Rep.* iv.

Grounds upon which the Committee consider that the Chartered Institute is not sufficiently representative of the profession generally, *Rep.* vi.

Conclusion that, unless the Bill, as amended by the Committee, or some measure on similar lines, should become law at an early date, the Board of Trade should remove the register and the appointment and control of the registrar and the examinations from the Chartered Institute, and should make other arrangements in lieu thereof, *Rep.* vi——In such case the Institute should pay over to the Treasury the balance of the fees levied under the rules of the Board of Trade, *ib.*

Opinion of the Committee that the fees hitherto charged for membership of the Chartered Institute have been on a scale which has prevented many patent agents from seeking to avail themselves of its advantages, *Rep.* vi——Reference to the conditions with regard to election to the Institute as somewhat onerous, *ib.*

See also *Advertising for Business. Discipline. Examinations. Legislation. Removal from Register. Redfern, Mr. Registration. Representative Governing Body. Society of Patent Agents. Trade Marks and Designs.*

Country Agents. General feeling among a considerable number of patent agents throughout the country that the Act of 1888 has given the Chartered Institute an undue preponderance in the profession, benefiting the leading firms in London to the detriment of the smaller ones in the country, *Gadd* 1828 *et seq.* 1930–1942. 1972, 1973. 2009–2029.

Comment by the Committee upon the scale of fees with reference especially to their incidence as regards country members, *Rep.* vi.

D.

Departmental Committee (1885). Reference to the question of the position of patent agents in the evidence taken by the Departmental Committee of 1885, which was appointed specially with regard to the system of examination of patent specifications, *Hopwood* 45 *et seq.*——*See* also *Monopoly.*

Designs. See *Trade Marks and Designs.*

Report, 1894—*continued.*

Discipline. Success of the Chartered Institute as regards exercising discipline over patent agents; leniency of the Board of Trade in most cases, only one man being removed from the register for malpractices, *Imray* 1013-1015——Evidence to the effect that in many cases the Board of Trade have allowed persons to be put upon the register notwithstanding that the Discipline Committee of the Institute have reported that they were not fit to be registered, *ib.* 1081-1087.

Information as to the action taken by the Discipline Committee in regard to infringements of Section I. of the Act of 1888, warning letters having been sent in eighty cases, and prosecutions instituted in three cases; variety of titles used by unregistered patent agents to mislead the public, *Carpmael* 1397-1412. 1470-1479——Non-objection in principle to the outside registered patent agents being represented on the Discipline Committee; belief that a representative committee could be safely given the control of the register, *ib.* 1451-1469. 1502-1506.

Desirability of a disciplinary authority subject to a reasonable appeal to an independent authority, *Wann* 2270-2272——Grounds for the opinion that it is to the public interest that the necessary powers should be conferred upon some authority to regulate the profession, and efficiently control the register, *Sir H. R. Lack* 2460-2467. 2529 *et seq.* 2576, 2577——Approval of the suggestion that there should be a properly constituted disciplinary body representing the profession, with an appeal to the High Court of Justice, *Sir C. Boyle* 2709-2711.

Draft Special Report. Special report, as proposed by the Chairman of the Committee, *Rep.* xiii-xvi——Adoption thereof, subject to some amendments, *ib.* xvi.

E.

Engineers and Solicitors. Opinion that any one who practices as a patent agent should be allowed to follow the occupation of an engineer or solicitor, provided he is competent as a patent agent, *Gadd* 1974-1977.——*See* also *Solicitors.*

Examinations:

Submission by witness of copies of the papers set at the qualifying examinations held annually by the Chartered Institute; information as to the subjects in which the candidates were examined, the essential ones being "Preparation and Interpretation of Specifications," "Elementary Questions on Manufactures," and "Statutes in Force," *Wise* 362-387——Explanation that a candidate was marked A for each paper very well done, B for each one moderately well done, and C for each failure, two B's counting as one A; five A's passed a candidate, provided that he obtained A or B in the essential subjects, *ib.* 367-381.

Enumeration of the various examinations one of which a candidate for the register would have to pass, as a preliminary examination, if he had not served seven years with a patent agent, *Wise* 388-401——Statement that in the five years only twenty-eight candidates presented themselves for examination, twenty-two of whom passed; fee of two guineas charged for the examination, *ib.* 402-405——Contention that the papers set at the examinations are not too difficult; doubt as to the severity of the examination deterring capable young men from offering themselves, *ib.* 668-680.

Interpretation of the Act of 1888 by the Board of Trade as giving the power to establish a test of examination for admission to the register; delegation of the duty of holding examinations to the Institute, who were also authorised to charge certain fees, *Imray* 1002-1014. 1097-1102. 1156 *et seq.* 1237-1252——View of witness that the examinations held by the Institute afford a reasonable test of a man's fitness to practise as a patent agent; absence of any complaints of the examinations being unnecessary or too severe, *ib.* 1016-1026. 1213-1216. 1222-1224——Strong objection to allowing all respectable patent agents who have come into *bonâ fide* practice since 1888 to be put on the register without passing an examination, *ib.* 1060-1077. 1136-1138.

Impression that the papers set at the examinations held by the Institute are too difficult; the Act of 1888 did not contemplate any examination, *Fairfax* 1637-1662.

Suggestion that future admissions to the register should, in the interests of the public, be by a suitable examination conducted by a body truly representative of the whole profession; non-objection to a Government official holding the examinations if a representative body cannot be established, *Gadd* 1844 *et seq.* 1980, 1981, 1992-2003.

Objection to the Patent Office or any other Government department being allowed to conduct the examinations for admission to the register; opinion that a council representative of the profession ought to undertake this duty, the Lord Chancellor supervising the examinations, *Haddan* 2196-2204.

Opinion that the examination for admission to the register should be made easier, and that the importance of trade-mark agency should be recognised by making it a compulsory subject; unnecessary severity of the present examination for patent agents,

Wann

Report, 1894—*continued.*

EXAMINATIONS—continued.

Wann 2251-2259. 2288–2300. 2333-2335. 2363–2369. 2391–2406——View of witness that the examination should be under the control of a Government official, or, if conducted by the profession, that rejected candidates should be allowed an appeal to some responsible public authority, *ib.* 2260–2269. 2361–2369. 2402 *et seq.*

Desirability of an examination of a technical character, *Sir H. R. Lack* 2452-2456——Examination of candidates for the examining staff of the Patent Office in chemistry or mechanics, and some special subjects, by the Civil Service Commissioners, *ib.* 2454-2456——Suggestion that the Board of Trade should conduct the examinations for registration if a representative council cannot be established, and that if such a council can be agreed to the Board should have a controlling voice as to the nature of the examinations, *Wilkins* 3107–3113. 3153–3158.

Amount of examination fees and expenses of examination in each of the last five years, *App.* 197.

See also *Candidates for Examination, Qualifications. Representative Governing Body.*

F.

Fairfax, Joseph Sinclair. (Analysis of his Evidence.)—Witness is a registered patent agent, having practised as a member of the firm of Fairfax and Wetter since 1886; is Vice President of the Society of Patent Agents, 1507–1514.

Opinion that legislation is only needed for the purpose of meeting certain difficulties that have arisen in connection with the registration of patent agents, and for providing that a certain amount of discipline shall be exercised over the profession, 1515–1524. 1631–1636——Strong objection to the Chartered Institute of Patent Agents on the ground that it is not representative; contention that it concentrates the whole control of the profession in the hands of a few London firms who are working against the interests of the outside registered agents, 1525 *et seq.*, 1669–1672. 1705–1716.

Submission by witness of the trust deed and bye-laws constituting the Society of Patent Agents; information respecting the Society, which was formed in consequence of the exclusiveness of the Chartered Institute, 1535 *et seq.* 1750–1755——Impossibility of the Society coming to any understanding with the Institute as to the lines upon which a Bill should be promoted to obviate the difficulties in connection with the register of 1888; statement that the Institute would not agree to meet the Society, 1557 *et seq.* 1602–1606. 1663. 1673–1677. 1725–1729.

Importance of bringing the register into accordance with the Act of 1883; non-objection to an officer appointed by the Institute, when made representative of the whole profession, having charge of the register, provided it be kept at the Patent Office, 1560–1571. 1577–1601. 1730 *et seq.*——Opinion that there is no authority in the Act of 1888 for charging registration fees and that such Act must be read with the Act of 1883; statutory right of all patent agents who are practising to be upon the register, 1572–1599. 1730–1738.

Proposal of the Society in their Bill, that a council to keep the register should be created by the popular vote of all the patent agents; lists handed in of sixty-six registered patent agents who approve the Bill as it stands, and fourteen who would agree to it if slightly amended, 1603–1621. 1717–1724——Contention that the Society represents almost as influential a body of patent agents as the Institute does; unfairness of the evidence given by Mr. Lloyd Wise and Mr. Imray on this point, 1622–1629.

Disagreement with certain evidence as to the want of a high standard of character amongst a great many of the patent agents who are outside the Institute, 1629, 1630. 1694–1701——Impression that the papers set at the examinations held by the Institute are too difficult; the Act of 1888 did not contemplate any examination, 1637–1662.

Decided opinion that inventors should have full liberty to employ their own agents, all that is proposed being that no person shall be allowed to describe himself as a patent agent unless he has been registered, 1664–1668. 1740–1745——Disinclination of the bulk of registered patent agents to join the Institute; practical difficulty in securing the nomination and election of those who are opposed to the Institute, 1678–1686.

Willingness of the Society to discuss, and, if possible, come to terms with the Institute if a conference can be arranged, 1687–1703. 1746–1761——Approval of the suggestion that, if there is any difficulty in getting the Institute to admit the bulk of the profession, the controlling body should consist of a nominated number of members, half of whom should be members of the Institute and the other half registered agents outside the Institute, 1704.

[Second Examination.]—General concurrence of witness with Mr. Mewburn's account of the meetings recently held for the purpose of seeing whether a Bill, satisfactory to all

Report, 1894—*continued.*

Fairfax, Joseph Sinclair. (Analysis of his Evidence)—*continued.*

parties could be agreed to, 3272 *et seq.*——Reiteration of witness' contention that the controlling body should be elected from from all registered patent agents; objection of the Society of Patent Agents to the Chartered Institute having any control until it is truly representative of the whole profession, 3277-3287. 3307-3310. 3340-3368.

Explanation as to the manner in which the members of the representative committee were elected; opinion that some of the members were not representatives in any sense, 3288-3304. 3311-3339——Fear that the profession is irreconcilable upon the question of legislation for the purpose of regulating the registration of patent agents; view of witness that it would be better to have no Bill at all than to have the Institute's Bill, 3305, 3306. 3340-3368.

Fees (Registration):

Submission of copies of Lord Low's Judgment and of the Judgment of the Court of Appeal (*App.* 191-196) in the action taken by the Institute against Mr. Lockwood (patent agent at Glasgow), who declined to pay the annual fee; case now under appeal to the House of Lords, *Hopwood* 122-153. 230-247. 280-282. 314-325——Arrangement made by which the current fees are paid into a suspense account opened in the names of the registrar of the Chartered Institute and the Comptroller General of Patents pending the litigation in the House of Lords, agents who decline to pay fees not being removed from the register, *ib.* 162-170——Contention that the non-payment of the annual fee should not destroy the professional qualification of the agent; explanation that the Chartered Institute has been acting under the instructions of the Board of Trade in receiving fees, *ib.* 230-247.

Evidence to the effect that in forming the register all patent agents certified by the Board of Trade were put on and were charged a fee of five guineas, there being also an annual fee of three guineas, *Wise* 406-415——Payment of the registration and annual fees by the persons who passed the examinations in addition to the examination fees, *ib.* 411-415——Non-objection on the part of the patent agents, so far as witness is aware, to the fees charged by the Institute previous to the Lockwood case, *ib.* 416-424.

Approval of the insertion in the Bill of a clause prohibiting the imposition of a minimum scale of fees as a condition of membership of the Institute, *Wise* 545-557——Non-objection to an amendment being made to the Bill with a view to settling the destination of any surplus, derived from examination and registration fees, that may accumulate, *ib.* 639-648——Circumstance of the Institute having successfully advocated a reduction in the patent fees, *ib.* 722-725.

Explanation that the scale of fees recommended by the Institute would not be charged in the case of a poor inventor, who would receive the fullest possible consideration at the hands of any chartered patent agent, *Wise* 726.

Opinion that the system established by the Board of Trade worked very satisfactorily until Mr. Lockwood disputed the power of the Board to charge fees; prosecution of four persons who described themselves as patent agents, without being on the register, *Imray* 1005-1015. 1094-1102. 1151-1154. 1228 *et seq.*——Suggestion that in view of the number of agents on the register the fees for entry to and remaining on the register might now be fairly reduced, *ib.* 1027.

Statement that the Institute never assumed power to draw hard and fast lines as to agency charges; explanation that when the Act of 1883 came into force the Institute decided what would be fair charges under the new system, and simply recommended them to members, *Imray* 1132, 1133. 1175-1187.

Personal opinion of witness that the registration fees might be lowered but for the unknown quantity of the legal expenses that may be incurred, *Graham* 1290-1292——Statement that none of the money derived from registration fees is used for the purposes of the Institute, *ib.* 1357-1360.

Necessity of patent agents being charged registration fees; opinion, however, that the fees might now be reduced, *Carpmael* 1491-1495——Non-objection to a reasonable fee being imposed to cover the cost of keeping the register and conducting the examinations, *Wann* 2396, 2397.

Absence of necessity for more fees than would be sufficient to cover the expenses of examination and registration, *Sir H. R. Lack* 2468, 2469. 2595-2597——Doubt as to the possibility of any uniform scale of remuneration being established for patent agents, the variety of invention being so great, *ib.* 2502-2509.

Explanation that the Board of Trade authorised the Institute to charge certain fees, it being considered fair that the persons entered on the register should defray the expense incurred in maintaining it; non-objection to the fees being lowered if possible, *Sir C. Boyle* 2636. 2696-2701——Deprecation of the suggestion that a fraction of the cost of maintaining the register might be met out of the large surplus of income enjoyed by the Patent Office, *ib.* 2702, 2703.

Report, 1894—*continued.*

Fees (Registration)—continued.

Total of registration fees in each of the last five years, *App.* 197.

Judgment of the House of Lords, 11th June 1894, to the effect that in Lockwood's case the fees were legally chargeable, *App.* 199-203.

See also *Board of Trade. Chartered Institute of Patent Agents. Country Members. Litigation.*

Fines and Penalties. Desirability of the Institute having the sole right of prosecution for penalties as proposed in Clause 5 of their Bill, *Wise* 745-752. 885-887 ——Expediency of imposing a penalty upon all those who illegally represent themselves to be patent agents, *Gadd* 2037-2040.

View of witness that the power proposed by the Bill as a punitive measure of withdrawing the licence to a patent agent to carry on his business is too severe under any circumstances, *Lockwood* 2811-2818. 2931-2934——Objection to the words "who acts" in the Society of Patent Agents' Bill, under which draughtsmen in engineers' works who assist their employers in patent work would be liable to imprisonment, *ib.* 2827-2832 ——Suggestion that patent agents who are guilty of malpractices should be punished by the ordinary criminal laws, and not by special Acts, *ib.* 2858-2862. 2926-2930.

Provision in the Act of 1888 for the imposition of a fine not exceeding twenty pounds upon any person knowingly describing himself as a patent agent in contravention of a certain provision in the Act, *Rep.* iv.

Foreign Countries. Submission by witness of a résumé on historical lines, showing the working of the patent law in various countries; information with reference especially to patent agents in the United States where the creation of a patent bar has recently been strongly recommended, *Wise* 707-715. 742-744. 810——Unsatisfactory working in America and other countries of a system under which the Patent Office informs applicantswhether an invention has already been patented, *Imray* 1139-1144.

See also *United States.*

G.

Gadd, William. (Analysis of his Evidence.)—Witness is a patent agent and consulting engineer, of thirty-four years' standing, at Manchester; was previously articled to a consulting engineer in London, 1821-1827.

General feeling among a considerable number of patent agents that the Act of 1888 has given the Chartered Institute an undue preponderance in the profession, benefiting the leading firms in London to the detriment of the smaller ones in the country, 1828 *et seq.* 1930-1942. 1972, 1973. 2009-2029——Evidence to the effect that the formation of the Society of Patent Agents was due to a want of confidence in the Institute, 1831-1835.

Opinion that the register of patent agents should be kept by a council distinctly representing the whole profession, or, failing that, be kept as a public register at the Patent Office, 1836-1841——Necessity, in constituting the register, of taking in the agents now on the register, those who were in practice up to 1888, and those who have been in *bonâ-fide* practice since 1888, 1842, 1843.

Suggestion that future admissions to the register should, in the interests of the public, be by a suitable examination conducted by a body truly representative of the whole profession; no objection, personally, to a Government official holding the examinations, if a representative body cannot be established, 1844 *et seq.* 1980-1981. 1992-2003——Opinion that if the Chartered Institute were made representative of the whole profession there would be no objection to entrusting them with the conduct of the examinations, the custody of the register, and the discipline of the profession, 1857-1860. 1951-1963. 1978-1981.

View of witness that anyone should be allowed to act as agent for an inventor, but that an agent so employed should not be allowed to sue for his fees if he be not registered; absence of necessity for the drastic provisions of the Institute's Bill, 1861-1872. 1893-1929. 1982-1984. 2034-2040——Statement that there is not the slightest intention in the Society of Patent Agents Bill to touch the right of solicitors to obtain patents, 1873, 1874.

Main difference between the Bill of the Chartered Institute and that of the Society, that the former seeks to make the Institute the controlling body, while the latter proposes a new elective controlling body representative of all registered patent agents, 1875, 1876. 1916 *et seq.* 1942-1950. 1972-1979. 2030-2033——Possibility of reconciling the interests of the Institute with those of the Society; readiness of the Society to cordially co-operate with a view to arriving at a satisfactory result, 1877, 1878. 1985. 1991.

Grounds for the contention that it is desirable, in the public interest, to constitute almost a separate profession of patent agents; necessity of educated and skilful profes-

Report, 1894—*continued.*

Gadd, William. (Analysis of his Evidence)—*continued.*

sional assistance in drawing up patent specifications, 1879-1892. 1901–1916——Doubt as to there being a considerable number of patent agents who do not carry on their business quite so satisfactorily or respectably as is desirable, 1889–1892. 1995, 1996.

Illustration of the injustice committed by the Institute under their rule that candidates for examination must have served seven years with a registered patent agent, 1963–1970. 2004–2008——Opinion that anyone who practises as a patent agent should be allowed to follow the occupation of an engineer or solicitor, provided he is competent as a patent agent, 1974–1977——Desirability of imposing a penalty upon all those who illegally represent themselves to be patent agents, 2037–2040.

Governing Body. See *Representative Governing Body.*

Graham, Henry Howgrave. (Analysis of his Evidence.)—Witness is Secretary of the Chartered Institute of Patent Agents, and is the Registrar appointed to keep the register established by the Act of 1888; 1275–1277. 1310–1315. 1385–1388.

Production by witness of printed copies of the register, 1278——Details of the procedure adopted in constituting the register and of the present method of entry on the register; particulars of the number of persons who have been put on it at various times, the total number being 274; 1279–1282. 1320. 1376–1383.

Removal of nineteen persons from the register for various reasons, chiefly non-payment of fees; restoration of four persons who had accidentally overlooked the payment of the fees, 1283. 1321 *et seq.*——Submission of accounts showing the whole amount of the fees received and the expenditure down to the present time; inclusion in the accounts of the fees that have been received since the Lockwood case and carried to a suspense account, 1284–1290. 1312, 1313. 1325–1339. 1370–1375.

Personal opinion of witness that the registration fees might be lowered but for the unknown quantity of the legal expenses that may be incurred, 1290–1292——Complete set of the transactions of the Institute and the audited and published accounts, handed in; also copies of various circulars that have been issued by the Institute, 1293–1295.

Evidence to the effect that the Institute is entirely self-supporting and independent of the registration money, 1295–1300——Opinion that the effect of the incorporation of the Institute by Royal Charter has been to raise its professional status in public estimation; suggestion of a charter by the Board of Trade when conferring the registration and other duties on the Institute, 1301–1305.

Explanation that copies of a supplement to "Carpmael's Patent Laws of the World" are not issued to non-members because its cost was defrayed from the annual subscriptions of the Fellows of the Institute, 1308, 1309. 1340–1350——Agreement of witness with Mr. Imray's view that if provision were made for the registration to be carried out in the spirit of the Report of 1887 and Act of 1888, the Institute would be glad to be relieved of the large amount of work entailed by it, 1351–1356. 1366–1369.

Statement that none of the money derived from registration fees is used for the purposes of the Institute, 1357–1360——Opinion that the arrangement proposed in the Institute's Bill is better, in the interest of the public, than that hitherto followed, of working under the Board of Trade, 1361–1369.

Non-objection to candidates for the register who had not completed seven years as assistants to patent agents, counting the time passed in the workshop, 1381–1384.

H.

Haddan, Herbert John. (Analysis of his Evidence.)—Witness is a registered patent agent, of the firm Herbert Haddan & Co., of Buckingham-street, Strand; has had forty-two years' experience, the last twenty-seven being on his own account, 2041–2044. 2069, 2070.

Evidence to the effect that witness preferred not to belong to either the Chartered Institute or the Society of Patent Agents, as neither of them represented the whole profession nor appeared to have any *raison d'être*, 2045 *et seq.* 2142–2164——Detailed account of the action taken by witness on learning that the Institute and Society were promoting Bills for the regulation of the profession; object of witness to bring the whole profession together and create a representative governing body, 2060–2090. 2142–2148. 2183, 2184.

Statement that thirty other registered patent agents agree with witness that non-registered persons should be forbidden to practice, that the governing body must be representative of the whole, and that the annual fees should in future be confined to what is necessary for keeping up the register, 2064–2098. 2194, 2195——Objection to the governance of the whole profession being given to the Chartered Institute, who only represent one-third of the patent agents and are self-elected, 2099–2112. 2142, 2143. 2191–2193.

Approval

Report, 1894—*continued.*

Haddan, Herbert John. (Analysis of his Evidence)—*continued.*

Approval of the Institute's Bill, provided that the governing council be elected from the whole of the profession, every registered agent having an equal vote; amending clauses to that effect handed in, 2112–2122. 2137, 2138. 2169–2174——Grounds for the opinion that patent agents should, in the interests of the public, be a registered body of qualified men, and that unregistered agents should not be allowed to practise, 2122–2136. 2165–2168.

View of witness that the Patent Office, by circulars, &c., and by understating the requirements of valid patents, mislead inventors, 2122–2129——Doubt as to any very bad cases of dishonesty or incompetence on the part of patent agents, except two cases of men who took money for patents and did not perform the work; belief that the evil has been much exaggerated, 2130. 2185–2190.

Willingness of witness and his friends to meet the representatives of the Institute and Society with a view to devising a Bill that will have the consent of the general body of patent agents, 2139–2141. 2175–2182——Admission that the Institute has not had a detrimental influence on the outside patent agents, although it has, to a certain extent, a monopoly of the profession, 2149–2164.

Objection to the Patent Office or any other Government Department being allowed to conduct the examinations for admission to the register; opinion that a council representative of the profession ought to undertake the duty, the Lord Chancellor supervising the examinations, 2196–2204.

Hopwood, Francis. (Analysis of his Evidence.)—Witness is Assistant Secretary to the Board of Trade, 1, 2.

Jurisdiction of the Board over the Patent Office, for administrative purposes, under the Patents, Designs, and Trade Marks Act of 1883; 3, 4. 25–33. 40–44——Evidence to the effect that the Patent Agents Registration Bill was introduced at the instance of the Chartered Institute of Patent Agents, another Bill being brought in on behalf of the Society of Patent Agents; disinclination of the Board to state their views at present upon the merits of the two Bills, 5, 6. 174–178.

Statement that the first reference to the registration of patent agents that witness has been able to find in a public document is in the Minority Report of the Commissioners appointed to inquire into the working of the Patent Law in 1864; 7–9——Further references to the registration of patent agents in the evidence given before the Select Committee on Letters Patent in 1872; 10.

Incorporation of the Institute of Patent Agents in 1882 by licence of the Board of Trade under Section 23 of the Companies Act of 1867; 11–23——Belief that a largely-signed memorial was presented to the Board of Trade by engineers, professional men, and others, prior to the Act of 1883, advising the establishment of a roll of patent agents, 24.

Provision in Number 8 of the Rules made by the Board of Trade for regulating the business of the Patent Office that an application for a patent must be signed by the applicant, but that all communications may be made through an agent duly authorised to the satisfaction of the Comptroller General of Patents, 25–33. 253–261——Advocacy of the registration of patent agents by Mr. Imray and Mr. Lloyd Wise, who read papers on the subject before the Institute of Patent Agents in 1885; 34–37.

Great impetus given to inventions by the Patents Act of 1883; enormous increase in the amount of work transacted by the Patent Office and in business of a responsible character done by agents, 38, 39——Reference to the question of the position of patent agents in the evidence taken by the Departmental Committee of 1885, which was appointed specially with regard to the system of examination of patent specifications, 45 *et seq.*

Suggestion of Sir William Thomson that no one should be allowed to practise as a patent agent if not recognised by the State as duly qualified; agreement of the Comptroller of Patents with this suggestion, 48–59——Evidence to the effect that the patent agents appear to be well qualified, and that any great expense incurred is not so much due to incompetent advice as to persons practising with dishonest motives, 60, 61.

Recommendation of the Departmental Committee of 1885 that a means should be provided of securing a roll of duly qualified patent agents, without creating any monopoly; necessity of a further trial of the law as it then stood before any fundamental change could be recommended, 62–68. 224——Institution by the Board of Trade of a register of patent agents, with a qualifying examination and power of removal, in accordance with Section 1 of the Patents, Designs, and Trade Marks Act of 1888; delegation of the custody of the register to the Institute of Patent Agents, 69 *et seq.* 190–192. 225.

Statement that the Board of Trade undertook the responsibility of making the register, every person who could show that he was a *bonâ fide* practising agent being put upon it; copy of the rules made by the Board for giving effect to Section 1 of the Act

Report, 1894—*continued.*

Hopwood, Francis. (Analysis of his Evidence)—*continued.*

handed in, 73-98. 193-196. 300-307——General approval by the Law Officers of the Crown of the rules under which the Institute of Patent Agents were empowered to keep the register, hold examinations, and charge fees, the Inventors' Institute, the Incorporated Law Society, and the Institute of Mechanical Engineers having been previously consulted, 99-113. 280-291.

Grant of a Royal Charter in 1891 to the Institute of Patent Agents; issue of new rules by the Board of Trade transferring the duties under Section 1 of the Act of 1888 to the Chartered Institute, 114-121. 157. 226-229. 292——Submission of copies of Lord Low's judgment and of the judgment of the Court of Appeal in the action taken by the Institute against Mr. Lockwood, a patent agent in Glasgow, who declined to pay the annual fee; case now under appeal to the House of Lords, 122-153. 230-247. 280-282. 314-325.

Statement that, in view of the decision of the Appellate Court in Scotland, the Board of Trade have not advised Her Majesty in Council through the Privy Council to give any sanction to bye-laws proposed by the Chartered Institute under Article 35 of the Charter, 154, 155. 292-299——Differences between the Chartered Institute of Patent Agents, the Society of Patent Agents, Mr. Haddan and his friends, and other individual patent agents; complaint of the Society that the Institute is a close corporation controlling the profession, 159-161. 208-218. 277-279.

Arrangement made by which the current fees are paid into a suspense account opened in the names of the Registrar of the Chartered Institute and the Comptroller General of Patents pending the litigation in the House of Lords, agents who decline to pay fees not being removed from the register, 162-170——Inexpediency of interfering with the position of the inventor in doing business with the Patent Office, and with the position of agents other than professional patent agents; undesirability of making two or three classes of patent agents, 178-180.

Considerable difficulty felt by the Board of Trade in giving effect to the provisions of the Act of 1888, having regard to the decision of the Appellate Court in Scotland and to the contentions between the various parties; desire of the Board for legislation that will clear up the matter, 181, 182——Opinion that if an association is to be appointed to keep the register of patent agents the Chartered Institute is the body having the greatest claim to that position; suggestion that the Institute should be required to make itself truly representative of the profession, 183-186. 208-218. 308-311. 326-336. 341-354.

Instances in which the Board of Trade have appointed committees to inquire into charges of disgraceful professional conduct against individual patent agents; approval by the Law Officers of the Crown of Rules 16 and 18, which provide for removals from the register, 193-205. 248-252. 262-264. 272-276. 337, 338——View of the Board of Trade that the function of striking agents off the register would be better discharged by the Court, the provisions as regards the Incorporated Law Society, and its action with regard to solicitors, furnishing a good precedent, 206, 207. 218-223.

Agreement of witness with the contention that the non-payment of the annual fee should not destroy the professional qualification of the agent; explanation that the Chartered Institute was acting under the instructions of the Board of Trade in receiving fees, 230-247——Opinion of the Board that agents for designs and trade marks were not affected by the Act of 1888, and that they should not be included in a Bill to give effect to the terms of Section 1 of the Act of 1888 as to keeping the register, 270, 271.

I.

Imray, John. (Analysis of his Evidence.)—Witness, who is a member of the Institute of Civil Engineers and of the Institution of Mechanical Engineers, was the second President of the Institute of Patent Agents, of which he was one of the founders; has had an extensive experience as an expert in patent cases, 948-951. 1155. 1193.

Information as to the founding of the Institute of Patent Agents, the chief object being to secure a high status of qualification and probity on the part of members of the profession; copies of circulars and memoranda in connection with the first meetings handed in, 951. 957 *et seq.* 1207——Experience of witness that there are numerous cases of would-be inventors taking out patents through not being honestly advised; frequent necessity of rejecting applications from clients for patents that would be a loss to them, 953. 1111, 1112. 1139-1144.

Requirement that a patent agent should not only be a well-educated man, in the largest sense of the term, but should also possess a considerable amount of specialist knowledge; greater demand made by the public on the knowledge and ability of patent agents now than was the case twenty years ago, 954-956. 1106-1109——Statement that when the Institute was being formed an honest endeavour was made to gather into the association

Imray, John. (Analysis of his Evidence)—*continued.*

association all the recognised and respectable patent agents that were known; exclusion of only three or four for acts that were considered dishonourable, 964–967.

Evidence to the effect at the time the Institute was founded the agency work for trade marks and designs was generally done by patents agents, 968, 969——Registration of the Institute in the first instance under the Companies Act, a Royal Charter being subsequently obtained in order that a register of respectable patent agents might be established, 970–976.

Information as to the membership of the Institute, there being Associates as well as Fellows; inclusion also of a large body of foreign members, 977–979. 1134, 1135. 1170–1174——Establishment of the register of patent agents by the Institute at the request of the Board of Trade under the Act of 1888; object of the register to confine the profession to men who were qualified in respect to knowledge, experience, and probity, 980–1003. 1081–1093.

Belief that the Act of 1888 was printed in the "Patent Journal," and that all *bonâ fide* patent agents knew that a register was being compiled, 983–989——Interpretation of the Act of 1888 by the Board of Trade as giving the power to establish a test by examination for admission to the register; delegation of the duty of holding examinations to the Institute, who were also authorised to charge certain fees, 1002–1014. 1097–1102. 1156 *et seq.* 1237–1252.

Opinion that the system established by the Board of Trade worked very satisfactorily until Mr. Lockwood disputed the power of the Board to charge fees; prosecution of four persons who described themselves as patent agents, without being on the register, 1005–1015. 1094–1102. 1151–1154. 1228 *et seq.*——Success of the Institute as regards exercising discipline over patent agents; leniency of the Board of Trade in most cases, only one man being removed from the register for malpractices, 1013–1015.

View of witness that the examinations held by the Institute afford a reasonable test of a man's fitness to practise as a patent agent; absence of any complaints of the examinations being too severe, or unnecessary, 1016–1026. 1213–1216. 1222–1224——Opinion that in view of the number of agents on the register the fees for entry to and remaining on the register might be fairly reduced, 1027.

Reasonableness of the proposition that the control of the register should be entrusted to the Chartered Institute, who include within their number the principal practitioners in the Kingdom, 1028 *et seq.* 1194 *et seq.*——Statement that the Institute is not at all exclusive, but is prepared to admit anyone who is fit; disapproval, however, of any scheme to admit all the registered patent agents, 1032 *et seq.* 1094. 1125–1131. 1172–1192. 1217, 1218.

Personal opinion of witness that there would be no objection to a certain number of of the patent agents outside the Institute sitting on the council of the Institute for registration and disciplinary purposes only; possibility of some satisfactory scheme being devised for giving the general body of agents some representation on the governing body, 1043–1056. 1120–1124. 1190–1192. 1197–1206. 1253–1274——Inability of the Society of Patent Agents to formulate any complaint against the Institute, 1054, 1055.

Probability that if the Institute's Bill be passed at least from fifty to seventy-five per cent. of the total number of patent agents would become members of the Institute, 1057–1059. 1207–1212——Strong objection to allowing all respectable patent agents who have come into *bonâ fide* practice since 1888 to be put on the register without passing an examination, 1060–1077. 1136–1138.

Decided opinion that the Bill promoted by the Society of Patent Agents is quite inadmissible on many grounds, 1079, 1080——Evidence to the effect that in many cases the Board of Trade have allowed persons to be put upon the register, notwithstanding that the discipline committee of the Institute have reported that they were not fit to be registered, 1081–1087.

Explanation that all that is intended by the Institute's Bill is to put into words in an Act of Parliament what has hitherto been held to be the meaning of the Act of 1888, relieving the Board of Trade of responsibility as to details; the Institute will have no more monopoly under the Bill than it has at present, 1088–1093. 1103. 1110. 1113–1119. 1156–1165——Belief that on the whole the action of the Institute under the Board of Trade regulations has raised the character of the profession in the estimation of inventors and of the public: certainty that many inventors had been seriously damaged by the way in which they had been handled by patent agents before the Act of 1888; 1104, 1105.

Statement that the Institute never assumed power to draw hard and fast lines as to agency charges; explanation that when the Act of 1883 came into force the Institute decided what would be fair charges under the new system, and simply recommended them to members, 1132, 1133. 1175–1187——Unsatisfactory working in America and other countries of a system under which the Patent Office informs applicants whether an invention has already been patented, 1139–1144.

Report, 1894—*continued.*

Imray, John. (Analysis of his Evidence)—*continued.*

Opinion that the register of patent agents should not be kept at the Patent Office, as such a duty would be best performed by members of the professsion; no objection to a competent committee having charge of it, the Institute not being very anxious to keep it, 1145-1150. 1225-1227. 1268-1270——Willingness of the Institute to continue to act under the Board of Trade, or any other authority, if it has express directions under Act of Parliament, 1166-1169.

Impression of witness that the action of the Society of Patent Agents in separating themselves from the Institute is entirely owing to the Lockwood case, the question being solely one of fees, 1219-1221——Disagreement of the Institute with the recommendation of the Departmental Committee that it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men or to create a monopoly in respect thereof, 1228-1236.

[Second Examination.]—Submission by witness of the whole of his correspondence with Mr. Redfern by way of explaining why the latter was not proposed for election as a Fellow of the Chartered Institute, the chief reason being that Mr. Redfern did not fall in with the recommendations of the council as to professional charges, 1389-1391.

Incorporated Law Society. Detailed information respecting the Incorporated Law Society, showing that it is not exclusive in any way; explanation that the fees for membership are low because of the payments that solicitors have to make to the Government, *Bristow* 1781-1814——*See* also *Solicitors.*

Institute of Patent Agents. See *Chartered Institute of Patent Agents.*

Inventors. Inexpediency of interfering with the position of the inventor in doing business with the Patent Office, and with the position of agents other than professional patent agents; undesirability of making two or three classes of patent agents, *Hopwood* 178-180—— Undoubted fact that it is the practice throughout the profession in cases where there is not patentable matter, or where no valid patent could be obtained, to discourage the inventor from proceeding further or incurring any further expense, *Wise* 627-639.

Experience of witness that there are numerous cases of would-be inventors taking out patents through not being honestly advised; frequent necessity of rejecting applications from clients for patents that would be a loss to them, *Imray* 953. 1111, 1112. 1139-1144——Belief that on the whole the action of the Institute under the Board of Trade regulations has raised the character of the profession in the estimation of members and of the public; certainly that many inventors had been seriously damaged by the way in which they had been handled by patent agents before the Act of 1888, *ib.* 1104, 1105.

Decided opinion that inventors should have full liberty to employ their own agents, all that is proposed being that no person should be allowed to describe himself as a patent agent unless he has been registered, *Fairfax* 1664-1668. 1740-1745.

Conclusion of the Committee that there should be no regulation which should compel the inventor to employ any particular class of agent or any agent at all, *Rep.* v.

See also *Fees.*

L.

Lack, Sir H. Reader. (Analysis of his Evidence).—Witness is Comptroller General of Patents, 2435.

Adherence of witness to the opinion he expressed before the Departmental Committee in 1885 and 1886 that it was desirable that a roll of patent agents should be established, 2436-2440. 2457——Submission of a statement showing the proportion of provisional and complete specifications obtained by patent agents and by individuals without the assistance of an agent, the latter averaging only about twenty-five or twenty-six per cent., 2441. 2608, 2609.

Chief duties of a patent agent to draw a specification that will stand the test of a legal action and to make searches to see that an invention has not been anticipated; increased importance of the profession, 2443-2446. 2529 *et seq.* 2563-2576. 2598-2600——Evidence to the effect that witness holds a court at times to hear oppositions to grants, there being an appeal from his decisions; the agents engage counsel to argue the important cases, 2447 2451.

Desirability of an examination of a technical character for patent agents, 2452-2456 ——Examination of candidates for the examining staff of the Patent Office in chemistry or mechanics, and some special subjects, by the Civil Service Commissioners, 2454-2456.

Preference of witness that the examinations of patent agents for registration should be conducted, and the register kept, by the profession rather than by the Patent Office or a Government official; desirability of the controlling body being representative of the whole profession, 2457-2459. 2511. 2590-2594. 2601, 2602 —— Necessity of a disciplinary

Report, 1894—*continued.*

Lack, Sir H. Reader. (Analysis of his Evidence)—*continued.*

disciplinary body to try any patent agent who misconducts himself, with power, subject to appeal to the High Court of Justice, to remove him from the roll, 2460, 2461. 2470-2473. 2500, 2501.

Grounds for the opinion that it is to the public interest that the necessary powers should be conferred upon some authority to regulate the profession and efficiently control the register, 2464–2467. 2529 *et seq.* 2576, 2577——Absence of necessity for more fees than would be sufficient to cover the expenses of examination and registration, 2468, 2469. 2595–2597.

Belief that a certain number of inventors and others are misled by persons professing to be patent agents; inability of witness to give the exact percentage, 2480–2494. 2579-2584—— Disapproval of the provision precluding anyone who is not a registered patent agent from doing patent agents' work; non-objection to unregistered agents being prohibited from recovering their fees, 2474–2499. 2545–2549. 2578.

Doubt as to the possibility of any scale of remuneration being established for patent agents, the variety of invention being so great, 2502–2509——Satisfaction with the way in which the Chartered Institute has kept the register of patent agents, 2510, 2511.

Opinion that a superior class of examination is necessary for patent agents to that for trade mark agents, 2514–2517. 2550–2553——Recommendation that if trade mark agents be registered their register should be separate from that of the patents agents; competency of a patent agent to take out a trade mark, but not of a trade mark agent to take out a patent, 2518–2520. 2554–2562. 2585–2589. 2617–2621.

Agreement of witness with the suggestion that if the profession be constituted and an efficient register established all persons who were earning their living at patent agency work down to the present time should be put on the register, 2521–2525——Belief that the Chartered Institute represents the better-known members of the profession and those who have the largest practice, 2526–2528 — Explanation as to the duties of the Patent Office with regard to patent specifications, the examination being more as to method than substance, 2603-2616.

Lack, Sir H. Reader. Observations by Sir H. Reader Lack, (supplementary to his Evidence), upon certain clauses in the Bill of the Chartered Institute, *App.* 198.

Legislation (*Patent Agents' Registration Bill*):

Evidence to the effect that the Patent Agents Registration Bill was introduced at the instance of the Chartered Institute of Patent Agents, another Bill being brought in on behalf of the Society of Patent Agents; disinclination of the Board to state their views at present upon the relative merits of the two Bills, *Hopwood*, 5, 6. 174–178——Large number of registered patent agents who are favourable to the Chartered Institute's Bill, although not members of the Institute; signatures in favour of the Bill, handed in, *Wise*, 810–829—— Explanation that all that is intended by the Chartered Institute's Bill is to put into words in an Act of Parliament, what has hitherto been held to be the meaning of the Act of 1888, relieving the Board of Trade of responsibility as to details; the Institute will have no more monopoly under the Bill than it has at present, *Imray*, 1088–1093. 1103. 1110. 1113–1119. 1156–1165.

Grounds for the belief that if the Institute's Bill passes, it will have a prejudicial effect on first-rate patent agents, *Carpmael*, 1445, 1446——Opinion that legislation is only needed for the purpose of meeting certain difficulties that have arisen in connection with the registration of patent agents, and for providing that a certain amount of discipline shall be exercised over the profession, *Fairfax*, 1515–1524. 1631–1636——Willingness of witness and his friends to meet the representatives of the Chartered Institute and of the Society of Patent Agents, with a view to devising a Bill that will have the consent of the general body of patent agents, *Haddan*, 2139-2141. 2175–2182.

Desirability of legislation with a view to removing all difficulties and putting the profession on a satisfactory basis, notwithstanding the decision of the House of Lords that the rules made by the Board of Trade under the Act of 1888 are good, *Sir C. Boyle*, 2637, 2638. 2653, 2654. 2706.

Contention that if the Bill, when passed, be bracketed with previous Acts, as proposed in Clause I, the various Acts will be in conflict with one another, *Lockwood*, 2743-2755——Decided opinion that any legislation beyond the repeal of Section I of the Act of 1888, would at present be mischievous; belief that the voluntary association of patent agents if incorporated under the Companies Act, would be all that is required, *ib.* 2755 *et seq.* 2843 *et seq.* 2889 *et seq.*——Inadequacy of the Bill to meet the wants of the profession in so far that it does not provide efficient means for remedying known evils; desirability of the patent agents combining to frame a better measure than that put forward by the Institute, *ib.* 2819-2826——Attention drawn to an alleged disagreement between Section 6 of the Institutes Bill, and Section 99 of the Act of 1883; *ib.* 2835–2842.

Report, 1894—*continued.*

Legislation (*Patent Agents' Registration Bill*)—continued.

Sundry particulars as to the patent agents' committee represented by witness, which arose out of a meeting called by Mr. Lockwood in 1892, and consists of from 30 to 40 members, of whom about 10 belong to the Society of Patent Agents; chief object of the committee to impress the views of a large body of patent agents on the Privy Council, in regard to the draft bye-laws of the Chartered Institute, *Wilkins*, 2981 *et seq.* 3100-3106 ——Explanation that the majority of the members of the committee are in favour of the Chartered Institute extending its operations so as to comprise the whole profession, the remainder preferring to go on under the existing law, *ib.* 3029–3046——Submission of a complete set of the papers issued by the Committee, *ib.* 3079.

Fear that the profession is irreconcilable upon the question of legislation for the purpose of regulating the registration of patent agents; view of witness that it would be better to have no Bill at all than to have the Institute's Bill, *Fairfax*, 3305, 3306. 3340–3368.

Proceedings at meeting of registered patent agents on 20th June 1894; decision to adopt the Bill (modified) of the Chartered Institute, *App.* 198, 199.

Reference by the Committee to the judgment of the House of Lords in Lockwood's case as removing to some extent the urgent necessity for immediate legislation, *Rep.* v.

Comment upon the differences of opinion and the difficulties on the part of different bodies of patent agents, so that it has not been possible to obtain co-operation as to the terms of a Bill acceptable to them all, *Rep.* v, vi.

Decision of the Committee to take the Bill introduced by Mr. Warmington and other Members of the House as a basis for their proceedings, the Bill having been amended so as to embody the legislation which they consider desirable, *Rep.* vi. x–xiii.

See also *Chartered Institute of Patent Agents. Examinations. Fees. Registration. Society of Patent Agents. Solicitors. Trade Marks and Designs.*

Litigation (*Chartered Institute of Patent Agents* v. *Lockwood*). Determination of the Institute to prosecute the appeal to the House of Lords in the Lockwood case; admission that the effect of the decision of the Scotch Court of Appeal is that some of the rules made by the Board of Trade are *ultra vires*, *Wise* 466–473.

Account of the litigation that ensued between witness and the Chartered Institute on his questioning the power of the Board of Trade to levy fees; report of the recent decision on appeal to the House of Lords, which was against witness, handed in, *Lockwood* 2716–2729. 2867. 2919 *et seq.*

Objection of witness to pay five guineas and an annual fee of three guineas in order that he may be allowed to continue practising in a profession that he has honourably followed for ten years; contention that compulsory registration should be free, *Lockwood* 2768–2777. 2863–2868. 2924 *et seq.*——Grounds for the opinion that a body representing the profession ought not to have the power of expelling members of the profession; complaint hereon as to the treatment of witness by the Institute after he had applied to be registered, *ib.* 2778–2810. 2879 *et seq.*

Opinion of Lord Low in Lockwood's case; judgment given in favour of the Chartered Institute, *App.* 191–193.

Judgment of the Scotch Court of Session (in January 1893), reversing the judgment of the Lord Ordinary, and declaring that the rules made by the Board of Trade were *ultra vires*, *App.* 193–196.

Judgment (on appeal) of the House of Lords, 11th June 1894, affirming the judgment of the Inner House of the Court of Session on technical grounds, but declaring that the rules of the Board of Trade were not *ultra vires*, and that the fees charged under such rules were legally chargeable, *App.* 199–203.

Summary by the Committee of the circumstances connected with this case; considerable embarrassment caused by the unanimous decision of the Court of Appeal in Scotland that the Board of Trade had acted *ultra vires*, *Rep.* v.——Legislation proposed in view of the foregoing judgment; judgment meanwhile of the House of Lords reversing the decision of the Scotch Court, *ib.*

See also *Bye-laws. Fees.*

Lockwood, Joseph. (Analysis of his Evidence.)—Witness is a patent agent at Glasgow, having been in practice since 1884; was registered immediately the Act of 1888 was passed, 2712–2715. 2863–2868. 2901. 2970, 2971.

Account of the litigation that ensued between witness and the Chartered Institute of Patent Agents on his questioning the power of the Board of Trade to levy fees; report of the decision of the House of Lords, which was against witness, handed in, 2716–2729. 2867. 2919 *et seq.*

Criticism of the Bill promoted by the Chartered Institute; opinion that the provisions of the Bill should be extended to agents for trade marks and designs, 2729–2743. 2952–2964

Report, 1894—*continued.*

Lockwood, Joseph. (Analysis of his Evidence)—*continued.*

2964——Contention that if the Bill, when passed, be bracketed with previous Acts, as proposed in Clause I., the various Acts will be in conflict with one another, 2743–2755.

Decided opinion that any legislation, beyond the repeal of Section I. of the Act of 1888, would at present be mischievous; belief that the voluntary association of patent agents, if incorporated under the Companies' Act, would be all that is required, 2755 *et seq.* 2843 *et seq.* 2889 *et seq.* 2924–2930.

Objection of witness to pay five guineas and an annual fee of three guineas, in order that he may be allowed to continue practising in a profession that he has honourably followed for ten years; contention that compulsory registration should be free, 2768–2777. 2924 *et seq.*——Grounds for the opinion that a body representing the profession ought not to have the power of expelling members of the profession; complaint hereon as to the vindictive treatment received by witness from the Institute after he had applied to be registered, 2778-2810. 2879 *et seq.*

View of witness that the power, proposed by the Bill as a punitive measure, of withdrawing the licence to a patent agent to carry on his buisness is too severe under any circumstances, 2811–2818. 2931–2934——Inadequacy of the Bill to meet the wants of the profession in so far that it does not provide efficient means for remedying known evils; desirability of the patent agents combining to frame a better measure than that put forward by the Institute, 2819–2826.

Objection to the words "who acts" in the Society of Patent Agents' Bill, under which draughtsmen in engineers' works, who assist their employers in patent work, would be liable to imprisonment, 2827–2832——Attention drawn to an alleged disagreement between Section 6 of the Institute's Bill and Section 99 of the Act of 1883; 2835–2842.

Statement that all witness's objections would disappear if the control of the profession were given to a body that was thoroughly representative of the whole of the patent agents, as proposed in the Society's Bill, 2852–2862. 2940–2951. 2972–2975——Suggestions that patent agents who are guilty of malpractices should be punished by the ordinary criminal laws, and not by special Acts, 2858–2862. 2926–2930.

Doubt as to the Board of Trade having spontaneously initiated the legislation that has taken place in regard to the registration and regulation of patent agents, 2852–2878. 2912–2916——Belief that there are only twelve registered patent agents in Scotland, eleven being in Glasgow, and one in Dundee, 2864–2866. 2917, 2918.

Opinion that the patent agency profession is as respectable as the legal or medical profession; statement, moreover, that the most grievous cases of inefficiency and dishonesty that have come to witness' knowledge were connected with members of the Chartered Institute, 2935–2939. 2965–2969.

Lockwood, Mr. See *Litigation.*

M.

Mewburn, John Clayton. (Analysis of his Evidence.)—Witness is a Fellow of the Chartered Institute of Patent Agents, 3162.

Evidence to the effect that a meeting of registered patent agents, of which witness was elected chairman, was held, and resulted in the appointment of a representative committee, with a view to agreeing to some consent Bill that would satisfy all parties; list of agents present, handed in, 3163 *et seq.*——Submission by witness of a memorandum which was prepared and signed by the representative committee after considerable deliberation; also of a copy of the Institute's Bill as modified by the memorandum, which, however, was objected to by the Society of Patent Agents, 3173 *et seq.* 3207 *et seq.* 3236-3242.

Belief that the Society object to the Institute having any distinctive position in regard to the election of the governing body until it is more fully representative of the profession; desire of the Society that the controlling council should be elected by the whole body of registered agents, 3189–3206. 3227 *et seq.* 3246–3250. 3254, 3255——Attention drawn to the fact that the Institute, by accepting the memorandum, have waived their objection to certain methods of advertising, which barred those agents who practised them from admission to the Institute, 3216, 3217. 3243 *et seq.* 3262–3269.

Absence of any sufficient reason why the custody of the register should now be taken from the Institute; disapproval of the proposal that the functions of the council of the Institute should be handed over to a council composed both of members of the Institute and outsiders, 3230–3235. 3251–3261.

Report, 1894—*continued.*

Monopoly. Recommendation of the Departmental Committee of 1885 that means should be provided of securing a roll of duly qualified patent agents, without creating any monopoly; necessity of a further trial of the law as it then stood before any fundamental change could be recommended, *Hopwood* 62-68. 224.

Contention that if an Act of Parliament gave the Chartered Institute the control of the profession, by authorising it to keep the register of patent agents, conduct examinations, and lay down conditions, no monopoly would be created; improbability of a high scale of charges being fixed, *Wise* 482 *et seq.* 544-557.

Disagreement of the Chartered Institute with the recommendation of the Departmental Committee that it would be undesirable to put the right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof, *Imray* 1228–1236.

Admission that the Institute has not had a detrimental influence on the outside patent agents, although it has to a certain extent a monopoly of the profession, *Haddan* 2149-2164.

Conclusion of the Committee that it would be most undesirable to put the exclusive right of communicating with the Patent Office in the hands of any body of men, or to create a monopoly in respect thereof, *Rep.* v.

P.

Patent Agents Bill. Decision of the Committee to report the Patent Agents Bill to the House without amendment, *Rep.* vi.

Patent Agents Registration Bill. See Legislation.

Patent Office. Very large increase in the business of the Patent Office through the operation of the Patents Act of 1883, *Hopwood* 38, 39——Doubt as to the utility of the register of patent agents being kept at the Patent Office instead of by the Institute, *Wise* 474, 475; *Imray* 1145-1150. 1225-1227. 1268-1270.

View of witness that the Patent Office, by circulars, &c., and by understating the requirements of valid patents, misleads inventors, *Haddan* 2122-2129.

Explanation as to the duties of the Patent Office with regard to patent specifications, the examination being more as to method than substance, *Sir H. R. Lock* 2603-2616.

See also *Examinations. Registration.*

Penalties. See *Fines and Penalties.*

Publication of Register. Statement that the Board of Trade do not contemplate making any publication as to registered patent agents, but that there is no objection to the register being published in the official journal, or in some other way, periodically; intention of the Patent Office to reduce the price of copies of the register, which are now purchased for one shilling each, *Sir C. Boyle* 2674-2676. 2690, 2691.

Q.

Qualifications (Patent Agents):

Suggestion of Sir William Thomson that no one should be allowed to practice as a patent agent if not recognised by the State as duly qualified; agreement of the Comptroller of Patents with this suggestion, *Hopwood* 48–59——Evidence to the effect that the patent agents appear to be well qualified, and that any great expense incurred is not so much due to incompetent advice as to persons practising with dishonest motives, *ib.* 60, 61.

Detailed description of the duties of a patent agent, which chiefly consist in advising and representing the inventor and drawing up the various specifications, &c.; varied character of the subject of patents, a wide technical knowledge being required, *Wise* 425 *et seq.* 588 *et seq.*——Grounds for the view that the business of obtaining patents should be made a special and exclusive profession; necessity of reliable and honest technical assistance in many cases in order to obtain a patent that can be supported, *ib.* 444 *et seq.* 477-481. 595-597.

Opinion that the responsibilities cast upon patents agents by the conditions of the patent law are of a higher kind in the United Kingdom than in America or Germany; experience of witness that the duties of the agents here are becoming more onerous and difficult, *Wise* 588 *et seq.*——Statement that it is one of the distinct objects of the Chartered Institute to promote in every way it can the advent into the profession of young men qualified to become skilful patent agents, *ib.* 596-602.

Belief that a very considerable number of persons have been registered who were not reasonably qualified to practise as patent agents, *Wise* 702, 703. 911——Desirability of the membership of the Institute being as extensive and comprehensive as possible, with the cardinal condition that all the members shall be competently qualified men of probity, *ib.* 719. 786-809. 860 *et seq.*

Report, 1894—*continued.*

QUALIFICATIONS (*PATENT AGENTS*)—continued.

Requirement that a patent agent should not only be a well-educated man, in the largest sense of the term, but should also possess a considerable amount of specialist knowledge; greater demand made by the public on the knowledge and ability of patent agents now than was the case twenty years ago, *Imray* 954–956. 1106–1109.

Statement that in many cases the conduct of registered patent agents has been highly suspicious, showing a very bad state of things in the profession, *Carpmael* 1429–1431. 1439–1445. 1488–1490——Attention drawn to the fact that the patent agency profession differs from other professions, in that large sums pass through the hands of patent agents for fees, &c., and the clients have to trust very much to the honesty of the agents, *ib.* 1432–1439. 1487.

Disagreement with certain statements as to the want of a high standard of character amongst a great many of the patent agents who are outside the Institute, *Fairfax* 1629, 1630. 1694–1701.

Grounds for the contention that it is desirable, in the public interest, to constitute almost a separate profession of patent agents; necessity of educated and skilful professional assistance in drawing up patent specifications, *Gadd* 1879–1892. 1901–1916——Doubt as to there being a considerable number of patent agents who do not carry on their business quite so satisfactorily or respectably as is desirable, *ib.* 1889–1892. 1995, 1996.

Grounds for the opinion that patent agents should, in the interests of the public, be a registered body of qualified men, and that unregistered agents should not be allowed to practise, *Haddan* 2122–2136. 2165–2168——Doubt as to any very bad cases of dishonesty or incompetence on the part of patent agents, except two cases of men who took money for patents and did not perform the work; belief that the evil has been much exaggerated, *ib.* 2130. 2185–2190.

Chief duties of a patent agent to draw a specification that will stand the test of a legal action, and to make searches to see that an invention has not been anticipated; increased importance of the profession, *Sir H. R. Lack* 2443–2446. 2529 *et seq.* 2563–2576. 2598–2600—— Belief that a certain number of inventors and others are misled by persons professing to be patent agents; inability of witness to give the exact percentage, *ib.* 2480–2494. 2579–2584.

Opinion that the character of the patent agency profession has improved in consequence of the operations of the Chartered Institute and of other bodies, *Sir C. Boyle* 2692, 2693.

Witness submits that the patent agency profession is as respectable as the legal or medical professions; statement, moreover, that the most grievous cases of inefficiency and dishonesty that have come to witness' knowledge were connected with members of the Chartered Institute, *Lockwood* 2935–2939. 2965–2969.

Conclusion of the Committee that it would be of public advantage to give to persons practising as patent agents an improved professional standing and organisation, and to establish disciplinary control with reference to them, *Rep.* vi.

See also *Candidates for Examination. Examinations. Registration. Removals from Register. Unregistered Agents.*

R.

Rawle, Thomas. (Analysis of his Evidence.)—Witness, who is a member of the firm of Rowcliffes and Rawle, solicitors, and a member of the Council of the Incorporated Law Society, concurs in the evidence given by Mr. Bristow, 1817–1820.

Receipts and Expenditure (*Registration*). Statement of receipts from fees and of expenses of examination, registrar, &c., in each of the last five years, *App.* 197.

See also *Fees.*

Redfern, Mr. Submission by witness of the whole of his correspondence with Mr. Redfern by way of explaining why the latter was not proposed for election, as a Fellow of the Chartered Institute, the chief reason being that Mr. Redfern did not fall in with the recommendations of the Council as to professional charges, *Imray* 1389–1391.

REGISTRATION:

Statement that the first reference to the registration of patent agents that witness has been able to find in a public document is in the Minority Report of the Commissioners appointed to inquire into the working of the Patent Law in 1864, *Hopwood* 7–9——Belief that a very largely signed memorial was presented to the Board of Trade by engineers, professional men and others prior to the Act of 1883, advising the establishment of a roll of patent agents, *ib.* 24——Advocacy of the registration of

Report, 1894—*continued.*

REGISTRATION—continued.

patent agents by Mr. Imray and Mr. Lloyd Wise, who read papers on the subject before the Institute of Patent Agents in 1885, *Hopwood* 34–37.

Opinion that it was the intention of the Legislature, in establishing a register of patent agents, to secure a roll of competent and reliable persons, *Wise* 455–473 —— Adherence of witness to the view that it was the intention of the Legislature to make the roll of patent agents exclusive, *ib.* 704. 918–927 —— Opinion that if the register be not kept by the Chartered Institute on the basis set forth in their Bill, it should be kept by the Government; small value comparatively of the register at present, *ib.* 705–717.

Establishment of the register of patent agents by the Institute at the request of the Board of Trade under the Act of 1888, the object being to confine the profession to men who were qualified on the score of knowledge, experience, and probity, *Imray* 980–1003. 1081–1093 —— Opinion that the register of patent agents should not be kept at the Patent Office, as such a duty would be best performed by members of the profession; non-objection to a competent committee having charge of it, the Institute not being very anxious to keep it, *ib.* 1145–1150. 1225–1227. 1268–1270.

Witness, who is secretary of the Chartered Institute of Patent Agents, is the registrar appointed to keep the register established by the Act of 1888, *Graham* 1275–1277. 1310–1315. 1385–1388 —— Production of printed copies of the register, *ib.* 1278 —— Details of the procedure adopted in constituting the register and of the present method of entry on the register; particulars handed in of the number of persons who have been put on it at various times, the total number being 274; *ib.* 1279–1282. 1320. 1376. 1383.

Agreement of witness with Mr. Imray's view that if provision were made for the registration to be carried out in the spirit of the Report of 1887 and Act of 1888, the Institute would be glad to be relieved of the large amount of work entailed by it, *Graham* 1351–1356. 1366–1369.

General concurrence of witness with the evidence given by Mr. Lloyd Wise and Mr. Imray as to the undesirability of the Institute taking charge of the registration of patent agents if the same results can be arrived at in any other way, *Carpmael* 1447–1450.

Importance of bringing the register into accordance with the Act of 1883; non-objection to an officer appointed by the Institute, when made representative of the whole profession, having charge of the register, provided that it be kept at the Patent Office, *Fairfax* 1560–1571. 1577–1601. 1730 *et seq.*

Opinion that the register of patent agents should be kept by a Council distinctly representing the whole profession, or, failing that, be kept as a public register at the Patent Office, *Gadd* 1836–1841 —— Necessity in constituting the register, of taking in the agents now on the register, those who were in practice up to 1888, and those who have been in *bonâ fide* practice since, *ib.* 1842, 1843 —— View of witness that any one should be allowed to act as agent for an inventor, but that an agent so employed should not be allowed to sue for his fees if he be not registered; absence of necessity for the drastic provisions of the Institute's Bill, *ib.* 1861–1872. 1893–1929. 1982–1984. 2034–2040.

Adherence of witness to the opinion he expressed before the Departmental Committee in 1885 and 1886 that it was desirable that a roll of patent agents should be established, *Sir H. R. Lack* 2436–2440. 2457 —— Satisfaction with the way in which the Chartered Institute has kept the register, *ib.* 2510, 2511 —— Concurrence in the suggestion that if the profession be constituted and an efficient register established, all persons who were earning their living at patent agency work down to the present time should be put on the register, *ib.* 2521–2525.

Absence of any sufficient reason why the custody of the register should now be taken from the Institute; disapproval of the proposal that the functions of the Council of the Institute should be handed over to a Council composed both of members of the Institute and outsiders, *Mewburn* 3230–3235. 3251–3261.

Quotation of the views of the Committee appointed by the Board of Trade in December 1885, and reconstituted in March 1886, in favour of the creation of a roll of patent agents, the admission to which should be regulated according to a standard of qualification, *Rep.* iii.

Establishment of a register adverted to by the Committee in connection with its management by a registrar appointed by the Chartered Institute in 1891; summary of the operations since that year, there being now 245 persons on the register, *Rep.* iv.

Grounds upon which the Committee consider that, in the absence of fresh legislation, the Board of Trade should remove the register, as well as the examiners, from the control of the Chartered Institute, *Rep.* vi.

See also *Acts of Parliament. Board of Trade. Chartered Institute of Patent Agents. Fees. Inventors. Legislation. Litigation. Removal from Register. Representative Governing Body. Society of Patent Agents. Solicitors. Trade Marks and Designs. Unregistered Agents.*

Report, 1894—*continued.*

Removals from Register. Instances in which the Board of Trade have appointed committees to inquire into charges of disgraceful professional conduct against individual patent agents; reference hereon to the approval by the Law Officers of the Crown of Rules 16 and 18, which provide for removals from the register, *Hopwood* 193–205. 248–252. 262–264. 272–276. 337, 338.

View of the Board of Trade that the function of striking agents off the register would be better discharged by the Court, the provisions as regards the Incorporated Law Society and its action with regard to solicitors furnishing a good precedent, *Hopwood* 206, 207. 228–223.

Removal of nineteen persons from the register for various reasons, chiefly non-payment of fees; restoration of four persons who had accidentally overlooked the payment of the fees, *Graham* 1283. 1321 *et seq.*——Necessity of a disciplinary body to try any patent agent who misconducts himself, with power, subject to appeal to the High Court of Justice, to remove him from the roll, *Sir H. R. Lack* 2460, 2461. 2470–2473. 2500, 2501.

Representative Governing Body (Conflict of Opinions):

Differences between the Chartered Institute, the Society of Patent Agents, Mr. Haddan, and his friends, and other individual patent agents, the society complaining that the Institute is a close corporation controlling the whole profession, *Hopwood* 159–161. 208–218. 277–279——Opinion that if an association is to be appointed to keep the register of patent agents the Chartered Institute is the body having the greatest claim to that position; suggestion that the Institute should be required to make itself truly representative of the profession, *ib.* 183–186. 208–218. 308–311. 326–336. 341–354.

Belief that the Bill submitted to Parliament by the Chartered Institute is a reasonable proposal, allowing an independent body to determine who should be admitted to the register; it is not desired that the Institute should be an exclusive body, *Wise* 495–543. 619–621——Possibility of some workable arrangement being come to under which two-thirds of the council of the Chartered Institute controlling the profession shall consist of Fellows of the Institute, and the remaining one-third be taken from the register of patent agents, *ib.* 830 *et seq.* 888–917.

Reasonableness of the proposition that the control of the register should be entrusted to the Chartered Institute, who include within their number the principal practitioners in the kingdom, *Imray* 1028 *et seq.* 1194 *et seq.*——Personal opinion of witness that there would be no objection to a certain number of the patent agents outside the Institute sitting on the council of the Institute for registration and disciplinary purposes only; possibility of some satisfactory scheme being devised for giving the general body of agents some representation on the governing body, *ib.* 1043–1056. 1120–1124. 1190–1192. 1197–1206. 1253–1274——Probability that if the Institute's Bill be passed, at least from fifty to seventy-five per cent. of the total number of patent agents would become members of the Institute, *ib.* 1057–1059. 1207–1212.

Approval of the suggestion that if there is any difficulty in getting the Institute to admit the bulk of the profession, the controlling body should consist of a nominated number of members, half of whom should be members of the Institute and the other half registered agents outside the Institute; *Fairfax* 1704.

Opinion that if the Chartered Institute were made representative of the whole profession there would be no objection to entrusting them with the conduct of the examinations, the custody of the register, and the discipline of the profession, *Gadd* 1857–1860. 1951–1963. 1978–1981.

Evidence to the effect that witness preferred not to belong to either the Chartered Institute or the Society of Patent Agents, as neither of them represented the whole profession nor appeared to have any *raison d'être*, *Haddan* 2045 *et seq.* 2142–2164——Detailed account of the action taken by witness on learning that the Institute and Society were promoting Bills for the regulation of the profession; object of witness to bring the whole profession together and create a representative governing body, *ib.* 2060–2090. 2142–2148. 2183, 2184.

Statement that thirty other registered patent agents agree with witness that non-registered persons should be forbidden to practise, that the governing body must be representative of the whole profession, and that the annual fees should in future be confined to what is necessary for keeping up the register, *Haddan* 2064–2098. 2194, 2195——Objection to the governance of the whole profession being given to the Chartered Institute, who only represent one-third of the patent agents and are self-elected, *ib.* 2099–2112. 2142, 2143. 2191–2193——Approval of the Institute's Bill, provided that the governing council be elected from the whole of the profession, every registered agent having an equal vote; amending clauses to that effect handed in, *ib.* 2112–2122. 2137, 2138. 2169–2174.

Report, 1894—*continued.*

Representative Governing Body (Conflict of Opinions)—continued.

Preference of witness that the examinations of patent agents for registration should be conducted and the register kept by the profession rather than by the Patent Office or a Government official; desirability of the controlling body being representative of the whole profession, *Sir H. R. Lach* 2457–2459. 2511. 2590–2594. 2601, 2602 —— Belief that the Chartered Institute represents the better known members of the profession, and those who have the largest practice, *ib.* 2526–2528.

Expectation that now that the control of the profession is to be put upon a Parliamentary basis the Chartered Institute will be willing to make the governing body thoroughly representative and comprehensive, *Sir C. Boyle* 2632–2635. 2664–2666. 2693–2695. 2708.

Removal of witness' objections if the control of the profession were given to a body that was thoroughly representative of the whole of the patent agents, as proposed in the Society's Bill, *Lockwood* 2852–2862. 2940–2951. 2972–2975.

Explanations in witness' capacity as chairman of a committee for promoting the incorporation of all patent agents into one body, *Wilkins* 2976 *et seq.*—— Desire of the Committee of Agents, represented by witness, that there should be a new controlling body created by election from the whole profession; non-objection, however, to the Institute being the controlling body if it makes itself sufficiently comprehensive, *ib.* 3114–3142. 3159–3161 —— Inadvisability of entrusting the custody of the register to a body such as the present Institute as it now exists, not representing the whole profession; lists handed in showing that there are qualified patent agents outside, as well as inside, the Institute, *ib.* 3080–3099. 3128–3139. 3149, 3150.

Evidence to the effect that a meeting of registered patent agents, of which witness was elected chairman, was held, and resulted in the appointment of a representative committee with a view to agreeing to some consent Bill that would satisfy all parties; list of agents present handed in, *Mewburn* 3163 *et seq.*—— Submission of a memorandum which was prepared and signed by the representative committee after considerable deliberation; also, of a copy of the Institute's Bill, as modified by the memorandum, which, however, was objected to by the Society of Patent Agents, *ib.* 3173 *et seq.* 3207 *et seq.* 3236–3242.

Belief that the Society of Patent Agents object to the Institute having any distinctive position in regard to the election of the governing body until it is more fully representative of the profession; desire of the Society that the controlling council should be elected by the whole body of registered agents, *Mewburn* 3189–3206. 3227 *et seq.* 3246–3250. 3254, 3255.

General concurrence of witness with Mr. Mewburn's account of the meetings recently held for the purpose of seeing whether a Bill, satisfactory to all parties, could be agreed to, *Fairfax* 3272 *et seq.* —— Reiteration of contention that the controlling body should be elected from all registered patent agents; objection of the Society of Patent Agents to the Chartered Institute having any control until it is truly representative of the whole profession, *ib.* 3277–3287. 3307–3310. 3340–3368 —— Explanation as to the manner in which the members of the representative committee were elected; opinion that some of the members were not representatives in any sense, *ib.* 3288–3304. 3311–3339.

Conclusion of the Committee as to the necessity of the governing body having the control of the register and exercising powers of discipline, representing not only patent agents who are members of the Institute, but the larger number who are not members, *Rep.* vi.

View of the Committee that the Chartered Institute, as at present constituted, does not sufficiently represent the general body of the practitioners at the Patent Office, only about seventy out of 245 registered patent agents being members of the Institute, *Rep.* vi.

Amendments adopted by the Committee in the Bill of the Chartered Institute as regards the constitution and powers of the Statutory Committee, *Rep.* xi, xii.

See also *Chartered Institute of Patent Agents. Discipline. Examinations. Registration. Society of Patent Agents.*

Regulations. See *Applications for Patents. Bye-Laws. Chartered Institute of Patent Agents. Examiners. Fees. Registration.*

S.

Scotland. Belief that there are only twelve registered patent agents in Scotland, eleven being in Glasgow and one in Dundee, *Lockwood* 2864–2866. 2917, 2918.

Select Committee of 1872. Reference to the question of registration of patent agents in the evidence given before the Select Committee on Letters Patent in 1872, *Hopwood* 10.

Report, 1894—*continued.*

Society of Patent Agents:

Inability of the Society of Patent Agents to formulate any complaint against the Chartered Institute, *Imray* 1054, 1055——Decided opinion that the Bill promoted by the Society of Patent Agents is quite inadmissible on many grounds, *ib.* 1079. 1080 —— Impression that the action of the Society of Patent Agents in separating themselves from the Institute is entirely owing to the Lockwood case, the question being solely one of fees, *ib.* 1219–1221.

Submission by witness of the trust deed and bye-laws constituting the Society of Patent Agents; information generally respecting the Society, which was formed in consequence of the exclusiveness of the Chartered Institute, *Fairfax* 1535 *et seq.* 1750–1755——Impossibility of the Society coming to any understanding with the Institute as to the lines upon which a Bill should be promoted to obviate the difficulties in connection with the register of 1888; the Institute would not agree to meet the Society, *ib.* 1557 *et seq.* 1602-1606. 1663. 1673–1697. 1725–1729.

Proposal of the Society, in their Bill, that a council to keep the register should be created by the popular vote of all the patent agents; lists handed in of sixty-six registered patent agents who approve the Bill as it stands, and fourteen who would agree to it if slightly amended, *Fairfax* 1603–1621. 1717–1724 —— Contention that the Society represents almost as influential a body of patent agents as the Institute does; unfairness of the evidence given by Mr. Lloyd Wise and Mr. Imray on this point, *ib.* 1622–1629 —— Willingness of the Society to discuss, and, if possible, come to terms with the Institute if a conference can be arranged, *ib.* 1687–1703. 1746–1761.

Evidence to the effect that the formation of the Society of Patent Agents was due to a want of confidence in the Institute, *Gadd* 1831–1835——Main difference between the Bill of the Chartered Institute and that of the Society—that the former seeks to make the Institute the controlling body, while the latter proposes a new elective controlling body representative of all registered patent agents, *ib.* 1875, 1876. 1916 *et seq.* 1942-1950. 1972–1979. 2030–2033 —— Possibility of reconciling the interests of the Institute with those of the Society; readiness of the latter to cordially co-operate with a view to arriving at a satisfactory result, *ib.* 1877, 1878. 1985–1991.

See also *Legislation. Registration. Representative Governing Body.*

Solicitors. Submission by witness of a copy of the Bill promoted by the Chartered Institute modified so as to allow solicitors to continue to practice as patent agents, the alterations having been agreed with the Incorporated Law Society, *Wise* 619–626.

Objection of the Incorporated Law Society to both the Patent Agents Bills on the ground that they would deprive solicitors of the right of conducting patent business; until recently patent work was essentially legal business, and was transacted by solicitors, *Bristow* 1768–1772. 1779, 1780——Evidence to the effect that both the Chartered Institute and the Society of Patent Agents have agreed to amendments which, if adopted, would remove the Incorporated Law Society's objections to the Bills, *ib.* 1773–1776. 1815.

Witness (who is a member of the firm of Rawcliffes & Rawle, solicitors, and a member of the Council of the Incorporated Law Society) concurs in the evidence given by Mr. Bristow, *Rawle* 1817–1820.

Explanation that there is not the slightest intention on the part of the Society of Patent Agents' Bill to touch the right of solicitors to obtain patents, *Gadd* 1873, 1874.

Large number of persons, besides patent agents, who practice in connection with the work of the Patent Office, *Rep.* v.——Concurrence of the Committee in the view that while it is desirable that there should be a roll of duly qualified agents practising at the Patent Office there should be no regulation which should prevent solicitors or other professional men from transacting business at the Office, or compel the inventor to employ any particular class of agent, or any agent at all, *ib.*

Specifications. Opinion that it would be very dangerous to transfer from the patent agents to the Patent Office the responsibility of putting the inventor's ideas in such a form in his specification as to withstand an attack or infringement of any kind, *Wise* 741–744.

Submission of statement showing the proportion of provisional and complete specifications obtained by patent agents and by individuals without the assistance of an agent, the latter averaging only about 25 or 26 per cent., *Sir H. R. Lock* 2441. 2608–2609—— Duties of the Patent Office as regards specifications, *ib.* 2603–2616.

Statutory Committee. Amendments adopted by the Committee in respect of the constitution and functions of the Statutory Committee, *Rep.* xi., xii.

See also *Representative Governing Body.*

T.

Taxation of Fees and Charges. New clause adopted by the Committee upon the subject of the taxation of patent agents' fees and charges for business done by them, *Rep.* xii.

Technical Education. See *Qualifications.*

TRADE MARKS AND DESIGNS:

View of the Board of Trade that agents for trade marks and designs were not affected by the Act of 1888, and that they should not be included in a Bill to give effect to the terms of Section 1 of the Act of 1888 as to keeping the register, *Hopwood* 270, 271——Non-objection to its being made quite clear in the Institute's Bill that no interference with those who act as designs and trade marks agents is contemplated, *Wise* 717, 718——Evidence to the effect that at the time the Institute was founded the agency work for trade marks and designs was generally done by patent agents, *Imray* 968, 969.

Objections on the part of London trade mark agents to the Bill promoted by the Chartered Institute, on the ground that it will prevent trade mark agents practising as patent agents, which is allowed by the present Act; attention drawn to the injurious effect that the Bill would have on witness' business, *Wann* 2205 *et seq.* 2281–2283. 2322 *et seq.*——Non objection by trade mark agents to the Bill brought in on behalf of the Society of Patent Agents, *ib.* 2217, 2218.

Evidence to the effect that trade mark agency is akin to patent agency, the two professions often overlapping; particulars as to the duties of a trade mark agent, *Wann* 2221 *et seq.* 2274–2287. 2301 *et seq.* 2354–2359——Grounds for the contention that the work of a trade mark agent requires more skill and is of greater importance than that of a patent agent, *ib.* 2231–2237. 2307–2315. 2350–2352. 2430–2434.

Claim that any legislation affecting patent agents should be extended to the trade mark agents at present practising and describing themselves as agents for patents in foreign countries; also, that the latter should be put upon the register without examination, *Wann*, 2238–2250. 2283. 2315–2321. 2331–2353. 2370–2390——Explanation that witness' firm did not apply to be put upon the register in 1890 as they had not then taken out any patents, and the Act of 1888 did not appear to affect them, *ib.* 2338–2344. 2406 *et seq.* 2427–2429——Willingness of witness and those whom he represents to answer any reasonable questions as to their antecedents and practice in taking out patents with a view to their being put on the register under a new Act, *ib.* 2418–2426.

Opinion that a superior class of examination is necessary for patent agents to that for trade mark agents, *Sir H. R. Lock* 2514–2517. 2550–2553——Recommendation that if trade mark agents be registered, their register should be separate from that of the patent agents; competency of a patent agent to take out a trade mark, but not of a trade mark agent to take out a patent, *ib.* 2518–2520. 2554–2562. 2585–2589. 2617–2621.

View of witness that there should only be one class of patent agents, and that the term "patent agents" should not only comprise persons engaged in patent agents' work, but also trade mark work and work akin to it, persons desiring to practice as trade mark agents being compelled to qualify as patent agents in future, *Sir C. Boyle* 2645–2648. 2678–2683. 2704–2707.

Criticism of the Bill promoted by the Chartered Institute; witness submitting that the provisions of the Bill should be extended to agents for trade marks and designs, *Lockwood* 2729–2743. 2952–2964.

Conclusion of the Committee that it would be desirable to a certain extent to associate with patent agents persons who as trade mark agents transact business at the Patent Office, and have patent agency work frequently entrusted to them, *Rep.* vi.——Desire of the Committee that the Bill reported by them as amended will give all reasonable facilities to such persons to become registered patent agents, *ib.*

U.

United States. Great number of complaints addressed to the Chartered Institute from America against unregistered persons in this country who have taken fees for patenting American inventions, but have never patented them; urgent necessity for legislation to prevent such practices, *Carpmeal* 1413–1423. 1480–1486. 1496–1501.

See also *Foreign Countries.*

Report, 1894—*continued.*

Unregistered Agents. Doubt as to there being any appreciable number of persons who are earning their living at patent work without describing themselves as patent agents, *Wise* 898–911——Disapproval of the provision precluding any one who is not a registered patent agent from doing patent agents' work; non-objection, however, to unregistered agents being prohibited from recovering their fees, *Sir H. R. Lock* 2474–2499. 2545–2549. 2578.

Opinion that, in dealing with the two Bills before the Committee, the claims of certain persons who appear to be doing patent agents' work, although not on the register, might be considered and settled, *Sir C. Boyle* 2643, 2644. 2653——Disapproval of the proposal to prohibit unregistered agents from doing patent work; conclusion, however, that such persons should not be allowed to describe themselves as patent agents, *ib.* 2649–2652. 2667–2677. 2687–2689.

See also *Qualifications. Registration.*

W.

Wann, James. (Analysis of his Evidence.)—Witness is a member of the firm of T. B. Browne & Co., which is chiefly an advertising agency, but also practises in connection with trade marks and patents; represents the principal London trade mark agents, 2205–2214. 2219, 2220. 2278–2280. 2322–2327. 2398–2401.

Objection to the Bill promoted by the Chartered Institute on the ground that it will prevent trade mark agents practising as patent agents, which is allowed by the present Act; attention drawn to the injurious effect that the Bill would have on witness' business, 2215 *et seq.* 2281–2283. 2322 *et seq.*——Non-objection to the Bill brought in on behalf of the Society of Patent Agents, 2217, 2218.

Evidence to the effect that trade mark agency is akin to patent agency, the two professions often overlapping; particulars as to the duties of a trade mark agent, 2221 *et seq.*, 2274–2287. 2301 *et seq.* 2354–2359——Grounds for the contention that the work of a trade mark agent requires more skill, and is of greater importance than that of a patent agent, 2231–2237. 2307–2315. 2350–2352. 2420–2434.

Claim that any legislation affecting patent agents should be extended to the trade mark agents at present practising and describing themselves as agents for patents in foreign countries; also that the latter should be put upon the register, without examination, 2238–2250. 2283. 2315–2321. 2331–2353. 2370–2390——Opinion that the examination for admission to the register should be made easier, and that the importance of trade mark agency should be recognised by making it a compulsory subject; unnecessary severity of the examination for patent agents, 2251–2259. 2288–2300. 2333–2335. 2363–2369. 2391–2406.

View of witness that the examination should be under the control of a Government official, or, if conducted by the profession, that rejected candidates should be allowed an appeal to some responsible public authority, 2260–2269. 2361–2369. 2402 *et seq.*——Desirability of there being some disciplinary authority, subject to a reasonable appeal to an independent authority, 2270–2272.

Explanation that witness' firm did not apply to be put upon the register in 1890, as they had not then taken out any patents, and the Act of 1888 did not appear to affect them, 2338–2344. 2406 *et seq.* 2427–2429——Non-objection to a reasonable fee being imposed to cover the cost of keeping the register and conducting the examinations, 2396, 2397.

Willingness of witness and those whom he represents to answer any reasonable questions as to their antecedents and practice in taking out patents, with a view to their being put on the register under a new Act, 2418–2426.

Wilkins, Thomas. (Analysis of his Evidence.)—Witness is a registered patent agent, carrying on business in the City of London; is a member of the Society of Patent Agents, and Chairman of a Committee for promoting the incorporation of all patent agents into one body, 2976 *et seq.*

Sundry particulars as to the Committee represented by witness, which arose out of a meeting called by Mr. Lockwood in 1892, and consists of from thirty to forty members, of whom about ten belong to the Society of Patent Agents; chief object of the Committee to impress the views of a large body of patent agents on the Privy Council in regard to the draft bye-laws of the Chartered Institute, 2981 *et seq.* 3100–3106——Explanation that the majority of the members of the Committee are in favour of the Chartered Institute extending its operations so as to comprise the whole profession, the remainder preferring to go on under the existing law, 3029–3046.

Contention that members of the Chartered Institute who have complained of unprofessional practices in regard to advertising, &c., have themselves, or by their agents,

Report, 1894—*continued.*

Wilkins. (Analysis of his Evidence)—*continued.*

been guilty of the practices complained of; systematic disparagement by members of the Institute of those who are simply registered patent agents, 3047–3079. 3143–3149 ——Submission by witness of a complete set of the papers issued by his Committee, 3079.

Inadvisability of entrusting the custody of the register to a body, such as the present Institute, it not representing the whole profession; lists handed in showing that there are qualified patent agents outside, as well as inside, the Institute, 3080–3099. 3128–3139. 3149, 3150——Suggestion that the Board of Trade should conduct the examinations for registration if a representative council cannot be established, and that if such a council can be agreed to, the Board should have a controlling voice as to the nature of the examinations, 3107–3113. 3153–3158.

Desire of witness' Committee that there should be a new controlling body created by election from the whole profession; non-objection, however, to the Institute being the controlling body if it makes itself sufficiently comprehensive, 3114–3142. 3159–3161—— Inclination of witness to reduce the number of years that candidates for examination must have served with a patent agent, and to allow time in any large establishment, where science is technically applied, to count, 3150–3152.

Wise, William Lloyd. (Analysis of his Evidence.)—Witness is President of the Chartered Institute of Patent Agents, 355——Information respecting the Institute, which was founded in 1882, and registered under the Companies Acts, afterwards obtaining a Royal Charter; copy of the Charter handed in, 356–358. 418–421. 581–587 ——Explanation that the Institute, acting in accordance with the rules made by the Board of Trade under the Act of 1888, established a register of patent agents and appointed a registrar to keep it, and conducted examinations for admission to the register, charging the fees specified in the rules, 359–361. 603–618.

Submission by witness of copies of the papers set at the qualifying examinations held annually by the Institute; information as to the subjects in which the candidates were examined, the essential ones being "Preparation and Interpretation of Specifications," "Elementary Questions on Manufactures," and "Statutes in Force," 362–387—— Explanation that a candidate was marked A for each paper very well done, B for each one moderately well done, and C for each failure, two B's counting as one A; five A's passed a candidate, provided that he obtained A or B in the essential subjects, 367–381.

Enumeration of the various examinations, one of which a candidate for the register would have to pass, as a preliminary examination, if he had not served seven years with a patent agent, 388–401——Statement that in the five years only twenty-eight candidates presented themselves for examination, twenty-two of whom passed; fee of two guineas charged for the examination, 402–405.

Evidence to the effect that in forming the register all patent agents certified by the Board of Trade were put on and charged a fee of five guineas, there being also an annual fee of three guineas, 406–415——Payment of the registration and annual fees by the persons who passed the examinations, in addition to the examination fees, 411–415.

Non-objection on the part of the patent agents that, so far as witness is aware, to the fees charged by the Institute previous to the Lockwood case, 416–424——Detailed description of the duties of a patent agent, which chiefly consist in advising and representing the inventor and drawing up the various specifications, &c.; varied character of the subjects of patents, a wide technical knowledge being required, 425 *et seq.* 588 *et seq.*

Grounds for the view that the business of obtaining patents should be made a special and exclusive profession; necessity of reliable and honest technical assistance in many cases in order to obtain a patent that can be supported, 444 *et seq.* 477–481. 595–597 ——Opinion that it was the intention of the Legislature in establishing a register of patent agents to secure a roll of competent and reliable persons, 455–473.

Determination of the Institute to prosecute the appeal to the House of Lords in the Lockwood case; admission that the effect of the decision of the Scotch Court of Appeal is that some of the rules made by the Board of Trade are *ultra vires*, 466–473—— Doubt as to the utility of the register of patent agents being kept at the Patent Office instead of by the Institute, 474, 475.

Contention that if an Act of Parliament gave the Institute the control of the profession by authorising it to keep the register of patent agents, conduct examinations, and lay down conditions, no monopoly would be created; improbability of a high scale of charges being fixed, 482 *et seq.* 544–557——Disagreement of witness with the proposition that every patent agent on the register should be admitted to the Chartered Institute; willingness, however, to admit every practitioner who really ought to be on a properly purged register, 483 *et seq.* 637–644.

Belief that the Bill submitted to Parliament by the Institute is a reasonable proposal, allowing an independent body to determine who should be admitted to the register; it

Wise, William Lloyd. (Analysis of his Evidence)—*continued.*

it is not desired that the Institute should be an exclusive body, 495–543. 619–621——Non-objection to the insertion in the Bill of a clause prohibiting the imposition of a minimum scale of fees as a condition of membership of the Institute, 545–557.

View of witness that the advertising of prices is unprofessional, undignified, and unnecessary; copy of the recommendations of the Institute as to advertising, handed in, 557–580——Opinion that the responsibilities cast upon patent agents by the conditions of the patent law are of a higher kind in the United Kingdom than in America or Germany; experience of witness that the duties of the agents here are becoming more onerous and difficult, 588 *et seq.*

Statement that it is one of the distinct objects of the Institute to promote in every way it can the advent into the profession of young men qualified to become skilful patent agents, 596–602——Submission by witness of a copy of the Bill promoted by the Institute modified so as to allow solicitors to continue to practise as patent agents, the alterations having been agreed with the Incorporated Law Society, 619–626.

Undoubted fact that it is the practice throughout the profession in cases where there is not patentable matter, or where no valid patent could be obtained to discourage the inventor from proceeding further or incurring any further expense, 627–636——Non-objection to an amendment being made to the Bill with a view to settling the destination of any surplus, derived from examination and registration fees, that may accumulate, 639–648.

Disapproval of any alteration being made in Sub-Section I. of Clause 6 of the Institute's Bill which prohibits the Comptroller General from receiving documents signed by any person other than the applicant or registered agent, 649–657.

[Second Examination.]—Approval of the condition that a candidate for examination shall have been engaged for seven consecutive years with a registered patent agent; personal inclination of witness, however, to allow service in an engineering, electrical, textile, or chemical establishment to count, within reasonable limits, 658–667——Contention that the papers set at the examinations are not too difficult; doubt as to the severity of the examination deterring capable young men from offering themselves, 668–680.

Decided opinion that no one who is not on the register should be allowed to do anything whatever as the representative of an applicant for a patent; disapproval of the present practice of allowing any person to act for an inventor if recognised by the Comptroller of Patents, as in the case of F. Fanta, 681–700. 727 *et seq.* 928–947——Belief that a very considerable number of persons have been registered who were not reasonably qualified to practise as patent agents, 702, 703. 911.

Adherence of witness to the view that it was the intention of the Legislature to make the roll of patent agents exclusive, 704. 918–927——Opinion that if the register be not kept by the Chartered Institute, on the basis set forth in their Bill, it should be kept by the Government; small value, comparatively, of the register at present, 705–717.

Submission by witness of a resumé, on historical lines, showing the working of the patent law in various countries; information with reference especially to patent agents in the United States, where the creation of a Patent Bar has recently been strongly recommended, 707–715. 742–744. 810——Non-objection to it being made quite clear in the Institute's Bill that no interference with those who act as designs and trade marks agents is contemplated, 717, 718.

Desirability of the membership of the Institute being as extensive and comprehensive as possible, with the cardinal condition that all the members shall be competently qualified men of probity, 719. 786–809. 860 *et seq.*——Possibility of a reduction in the subscription to the Institute if the membership greatly increased, especially as there is a large surplus at present, 720–725. 788, 789.

Statement that the Institute successfully advocated a reduction in the patent fees, 722–725——Explanation that the scale of fees recommended by the Institute would not be charged in the case of a poor inventor, who would receive the fullest possible consideration at the hands of any chartered patent agent, 726.

Contention that although only seventy-four of the 246 patent agents on the register are Members of the Chartered Institute, the request of the Institute to be allowed to control the profession is not unreasonable, the sole desire being to make the register eventually an index to respectable practitioners, 727–740. 790–809——Opinion that it would be very dangerous to transfer from the patent agents to the Patent Office the responsibility of putting the inventor's ideas in such a form in his specification as to withstand an attack or infringement of any kind, 741–744.

Desirability of the Institute having the sole right of prosecution for penalties, as proposed in Clause 5 of their Bill, 745–752. 885–887——Statement that the recommendations respecting advertisements for the guidance of the Council and Fellows of

Wise, William Lloyd. (Analysis of his Evidence)—*continued.*

the Institute have never been made a condition of registration or of membership of the Institute; explanations as to the fifth, seventh, eighth, and ninth recommendations, 753 *et seq.*

Reiteration of opinion that it is undesirable that the fees charged by patent agents should be advertised, as unprincipled agents advertise low prices in order to catch the unwary inventor; no difficulty in ascertaining a respectable agent's terms, 766–782, 866–884——Large number of registered patent agents who are favourable to the Chartered Institute's Bill, although not members of the Institute; signatures in favour of the Bill handed in, 810–829.

Possibility of some workable arrangement being come to under which two-thirds of the council of the Chartered Institute, controlling the profession, shall consist of Fellows of the Institute, and the remaining one-third be taken from the register of patent agents, 830 *et seq.*; 889–917——Information respecting the original constitution of the Institute; the bulk of the profession were aware that it was being formed, 844–859——Doubt as to there being any appreciable number of persons who are earning their living at patent work without describing themselves as patent agents, 898–911.

FIRST REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY PAPERS DISTRIBUTION.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

181.

REPORT.

THE SELECT COMMITTEE appointed to superintend the DISTRIBUTION OF PARLIAMENTARY PAPERS have made progress in the matters to them referred, and have agreed to the following First Report:—

REGULATIONS

FOR THE

DISTRIBUTION OF PARLIAMENTARY PAPERS IN FUTURE.

1. A SCHEDULE shall be circulated daily, weekly, or otherwise, as may be found most convenient, giving reference number, title, and short note of contents of all Papers presented to Parliament by Command of Her Majesty, or printed by Order of either House, since the date of the Schedule last issued. This Schedule shall be sent to each Member in the shape of a demand form, printed on pink paper, and returnable post free.

2. Reports of Royal Commissions and Select Committees (except as shall be otherwise directed from time to time), Votes and Proceedings, and Estimates, shall be delivered to all Members without demand.

3. Members shall be supplied with forms of demand, each form being addressed at the back to the authority to whom application for Papers should be made, and returnable post-free. Any Member, on filling in and signing a demand, or making otherwise application, shall be supplied with any Paper in the Schedule.

4. A full Subject Index shall be issued as soon as possible after the close of each Session.

5. Any Member may receive, as at present, all Papers issued on making application to that effect.

6. In the case of Papers of special interest, a full delivery shall be made, on instructions to this effect being given, if a Command Paper, by a Cabinet Minister or by the Select Committee; if printed by Order of the House of Commons, by the Speaker.

7. The Reports, Evidence, and Appendices of Select Committees of the House of Commons shall be printed as follows, viz.:—

Reports in 37 ems measure, pica type, close.

Evidence in double columns, 18 ems pica each column, close, small pica type, question and answer running on.

Appendices, where plain matter, in bourgeois type.

8. The Controller of the Stationery Office is instructed to pass no charges in excess of those to which the printer would be entitled under his contract for work done in accordance with the directions given above, unless a written direction to the contrary from the Select Committee on Parliamentary Papers be produced by the printer as a voucher for his charge.

9. As regards other papers printed to the Order of the House of Commons, the Controller of the Stationery Office is directed to pass no charges for unnecessary blank spaces, or for unnecessarily small type.

10. The Controller of the Stationery Office shall arrange for the attendance of a printing expert at the House of Commons at such times as his services may be required, through whom the orders of the Librarian shall be communicated to the printers, and who shall call the attention of the Committee to any case in which the form of a Paper hitherto adopted might be altered in such a manner as to reduce the cost without inconvenience.

11. Excepting in cases in which directions to the contrary may be given to the Controller of the Stationery Office in writing by the Speaker, or by a Cabinet Minister, no copy of any Paper presented to or ordered to be printed by the House of Commons shall be delivered at the Vote Office until the full number ordered may be ready for delivery.

12. In cases in which a Paper intended for presentation to both Houses of Parliament has, owing to the fact that one House only is sitting, or to other reasons, been presented to one House only, such Paper shall, so soon as ready, be issued to the House to which it was presented without waiting for presentation to the other House of Parliament, and be placed on sale.

20 *June* 1894

FIRST REPORT

FROM THE

SELECT COMMITTEE

ON

PARLIAMENTARY PAPERS DISTRIBUTION.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1894.

[*Price* 1 *d.*]

181. *Under* 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PETROLEUM;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

244.

Petroleum.

Ordered,—[*Thursday, 28th June* 1894] :—That a Select Committee be appointed to inquire into and report upon the Law relating to the keeping, selling, and conveyance of Petroleum and other Inflammable Liquids, including the precautions to be adopted to prevent the sale of Dangerous Lamps for use with Inflammable Liquids.

Committee nominated of—

Sir James Carmichael.	Mr. MacNeill.
Sir Joseph Crosland.	Mr. Mundella.
Mr. Graham.	Colonel Palmer.
Captain Hope.	Mr. Paulton.
Mr. Wootton Isaacson.	Sir Henry Roscoe.
Mr. Jacks.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

That Three be the Quorum of the Committee.

Ordered,—[*Wednesday, 4th July* 1894] :—That Mr. Alexander Cross and Mr. Frye be added to the Select Committee on Petroleum.

Ordered,—[*Friday, 6th July* 1894] :—That the Report of the Select Committee on Explosive Substances in Session 1874, together with the Minutes of Evidence, be referred to the Select Committee on Petroleum.

REPORT - - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - - - - p. 51

REPORT.

THE SELECT COMMITTEE appointed to inquire into and report upon the Law relating to the keeping, selling, and conveyance of PETROLEUM and other Inflammable Liquids, including the precautions to be adopted to prevent the sale of Dangerous Lamps for use with Inflammable Liquids:—— HAVE agreed to the following REPORT:—

YOUR Committee are of opinion that at this late period of the Session it will not be in their power to conclude their investigation; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject should be appointed in the next Session of Parliament.

27 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Friday, 5*th July* 1894.

MEMBERS PRESENT :

Sir James Carmichael.	Colonel Palmer.
Captain Hope.	Sir Henry Roscoe.
Mr. Wootton Isaacson.	Mr. Frye.
Mr. Mundella.	

Mr. MUNDELLA was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 13*th July* 1894.

MEMBERS PRESENT :

Mr. MUNDELLA in the Chair.

Sir James Carmichael.	Mr. Wootton Isaacson.
Sir Joseph Crosland.	Mr. Jacks.
Mr. Alexander Cross.	Colonel Palmer.
Mr. Frye.	Mr. Paulton.
Mr. Graham.	Sir Henry Roscoe.
Captain Hope.	

Colonel *Vivian D. Majendie*, C.B., R.A., was examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 20*th July* 1894.

MEMBERS PRESENT :

Mr. MUNDELLA in the Chair.

Sir Joseph Crosland.	Mr. Wootton Isaacson.
Mr. Alexander Cross.	Colonel Palmer.
Mr. Frye.	Mr. Paulton.
Mr. Graham.	Sir Henry Roscoe.
Captain Hope.	

Colonel *Vivian D. Majendie* was further examined.

Mr. *Alfred Spencer* was examined.

Room cleared.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 27th July 1894.

MEMBERS PRESENT:

Mr. MUNDELLA in the Chair.

Sir Joseph Crosland.	Mr. Jacks.
Mr. Frye.	Colonel Palmer.
Captain Hope.	Mr. Paulton.
Mr. Wootton Isaacson.	Sir Henry Roscoe.

Mr. *Alfred Spencer* was further examined.

Mr. *John Young* was examined.

Room cleared.

The Committee deliberated.

DRAFT REPORT, proposed by the *Chairman*, brought up, and read the first time, as follows :—

"Your Committee are of opinion that at this late period of the Session it will not be in their power to conclude their investigation; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject should be appointed in the next Session of Parliament."

DRAFT REPORT read a second time, and *agreed to.*

Question, That this Report be the Report of the Committee to the House,—put, and *agreed to.*

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

LIST OF WITNESSES.

Friday, 13*th July* 1894.

Colonel Vivian D. Majendie, C.B. - - - - - - - - - - - - - 1

Friday, 20*th July* 1894.

Colonel Vivian D. Majendie, C.B. - - - - - - - - - - - - - 20

Mr. Alfred Spencer - - - - - - - - - - - - - - - 26

Friday, 27*th July* 1894.

Mr. Alfred Spencer - - - - - - - - - - - - - - - 37

Mr. John Young - - - - - - - - - - - - - - - 47

MINUTES OF EVIDENCE.

Friday, 13th July 1894.

MEMBERS PRESENT:

Sir James Carmichael.	Mr. Wootton Isaacson.
Sir Joseph Crosland.	Mr. Jacks.
Mr. Alexander Cross.	Mr. Mundella.
Mr. F. C. Frye.	Colonel Palmer.
Mr. Graham.	Mr. Paulton.
Captain Hope.	Sir Henry Roscoe.

THE RIGHT HONOURABLE A. J. MUNDELLA, IN THE CHAIR.

Colonel VIVIAN D. MAJENDIE, C.B., called in; and Examined.

Chairman.

1. WHAT office do you hold in the public service?—Her Majesty's Chief Inspector of Explosives.

2. How long have you held that office?—Since about 1871; under the existing Act, since 1875.

3. Does your position as Her Majesty's Chief Inspector for Explosives entail any functions in relation to petroleum?—None whatever; but, as a matter of departmental arrangement, it has been the practice to refer questions relating to petroleum to me, for me to advise the Secretary of State in reference to them.

4. You regard it as an explosive, I suppose?—Well, I have always rather objected to its being regarded as an explosive.

5. Have you, as inspector of explosives, or has any officer at the Home Office, any right of entry or inspection of places where petroleum is stored?—None whatever.

6. Are accidents with petroleum required to be reported to the Home Office?—No.

7. What position exactly does the Home Office occupy in relation to petroleum?—The Home Office only has, in reality, one point of contact with the subject of petroleum, and that is that, under the 10th section of the main Petroleum Act, which is the Act of 1871, an appeal lies in England to the Secretary of State, and in Ireland to the Lord Lieutenant; and, strictly, that is the only position which the Home Office occupies in connection with petroleum.

8. Will you inform the Committee what Acts at present exist relating to petroleum?—There are three Acts at present existing relating to petroleum, and I thought it might be a con-

Chairman—continued.

venience to the Committee if I drew up, as I have done, for distribution, with your approval, to the Committee, a memorandum giving the names of those Acts and some further details which may be useful.

9. Then you hand in that memorandum for the use of the Committee?—Yes (*handing in the same*); and from that memorandum, in answer to your question, I will say that there are three Acts existing: the Petroleum Act of 1871, which is the 34th & 35th Vict. c. 105; the Petroleum Act of 1879, which is 42nd and 43rd Vict. c. 47; and the Petroleum (Hawkers') Act of 1881, which is the 44th & 45th Vict. c. 67. There are some local Acts, but I am speaking now of Imperial Acts; and there are also references incidentally to petroleum in such Acts as the Explosives Act; but the general law is contained in those three Acts I have named.

10. Was the Act of 1871 the first general Act dealing with this subject?—No; that had been preceded by two Acts, the Act of 1862, 25 & 26 Vict. c. 66, and the Act of 1868, 31 & 32 Vict. c. 56.

11. But both those Acts were repealed, were they not, by the Act of 1871?—Yes, they were.

12. So that, practically, the first operative Act now is the Act of 1871?—The Act of 1871; that is the main Act.

13. Will you state the circumstances under which a new test was substituted in 1879 for that of 1871?—Yes. Under the Act of 1871, and, indeed, in the preceding Act of 1868, the test apparatus was what is technically known as an open test, and there was a flash-point; that is to say, the oil was reckoned as falling within the

Chairman—continued.

Act if it flashed at that test, at 100° Fahrenheit or under 100° Fahrenheit. That was the Act of 1871, which repealed that of 1868. But this test had been found over and over again to be extremely defective and unreliable, and there had been more than one attempt (as I shall presently show) to alter that test, and at last it was felt necessary to take the matter seriously in hand, and after some consideration, and after consultation with the various branches of the trade, and I believe I may say with their full agreement and approval, the matter was referred specifically to Sir Frederick Abel, who was then the chemist to the War Department, and who had paid some attention to the subject. Sir Frederick Abel conducted a number of experiments in conjunction with the representative of the Metropolitan Board of Works, and in conjunction with the representative of what I may call for convenience the two branches of the trade, that is to say, the American trade and the Scotch trade; and I thought that, again, it might be a convenience to the Committee if I handed in a copy of the reports relating to the testing of petroleum by Sir Frederick Abel for the purposes of the revision of this test. They are the reports which are made to the Secretary of State, and they contain, I believe, all the experiments upon the subject, and will show, I think, the pains which were taken at the time to not only improve the test but to ascertain what was to be regarded as the equivalent flash-point for the test known as the Abel close test, which was introduced at that time. These are the reports which I have been able to produce (*handing them in*). The result, as you will see, of the whole of that inquiry, which was an extremely extended and extensive one, was the substitution not only of the Abel close test, but of a flash-point, which is the present flash-point, of 73° Fahrenheit. A great deal of pains was taken to ascertain what was the equivalent flash-point for the close test as compared with the open test. The main difficulty arose from the fact that the open test was so unreliable that it was extremely difficult to ascertain what was the proper flash-point with that test, and therefore it was a very difficult thing to get an equivalent; but as far as could be done, and as the result of a large number of experiments recorded in those papers, the 73° Fahrenheit was substituted for the 100° Fahrenheit with the open test. I use the phrase "Abel close test," because, as you will probably hear from other witnesses and experts who know a great deal more about it than I do, there are several close tests. One close test will give one flash-point, and another close test will give another flash-point; but the Abel close test was adopted with a flash-point of 73°.

Colonel *Palmer.*

14. As being practically the equivalent to 100° with the open test?—That is so, as nearly as could be ascertained, comparing a thing which was definite with a thing which was indefinite.

Chairman.

15. Then as I understand, the Act of 1879, or rather the test introduced by that Act, did not profess to substitute a new or lower flash-point, but simply a new test with an equivalent flash-point?—That is exactly the case, and that was explained in a memorandum or circular, of which I will hand in a copy, issued to all local authorities on the passing of the Act of 1879, in which occurs this passage: "You will observe, on reference to the Petroleum Act of 1879, that the temperature below which petroleum, when tested by the new apparatus, must give off inflammable vapour in order to bring it within the operation of the Petroleum Acts is fixed at 73° Fahrenheit, in lieu of 100°. It is desirable to explain that this reduction does not really represent a reduction of the standard, the figure 73° having been arrived at after careful experiment as the equivalent, with the new apparatus, of 100° with the old apparatus; the standard flashing-point therefore remains practically unaffected. The object of superseding the existing apparatus by one of different construction is merely to substitute a more reliable test, with which very uniform results are easily attainable, for one which experience has shown to be unsatisfactory, and liable to furnish very discordant results in the hands of different operators" (*handing in a copy of the Circular*).

16. This paper you would term the Home Office Circular describing the test?—Yes. It was felt that some explanation was necessary because we were being deluged with inquiries why the test had been reduced.

17. It was a circular explaining the test?—Yes.

Mr. *Jacks.*

18. I think the Abel test is considered the most satisfactory generally by the trade?—The Abel test, I think, was accepted as quite satisfactory by the trade. It is true that there have been, especially through the researches of the Germans, some modifications made in that test which I think it would be right should be adopted in any future alterations.

Chairman.

19. Did it make the Act of 1871 permanent?—Yes. Up to the 1879 Act the Act of 1871 had been an annual Act, a renewed annual Act, and I believe that the reason for that was that when the Act of 1871 was introduced in the form of a Bill it had a close test, not the Abel; it had a close test, and it had a flashing-point of 85°. There was a good deal of discussion on that, and the Bill passed the Lords with the 85° flash-point and this close test; but no adjustment took place; it was too late in the Session for the matter to be really adjusted; there were various interests concerned, and accordingly the Bill, in order that the Bill might not be lost altogether, was proceeded with with the old test, the open test, admittedly imperfect, and the 100° flash-point. And that, I believe, was the explanation why it was regarded as temporary only, in order that it might be reformed or modified by another Act. Then came the Act of 1879, which did alter and, as it was believed, settled that question of the test, and there seemed to be no more reason for keeping the Act an annual Act, therefore it was made permanent. I believe that is the history of that part of the question.

20. Will

Chairman—continued.

20. Will you state to us what were the circumstances which led to the introduction of the Petroleum (Hawkers') Act of 1881?—Yes. That arose out of a decision of the Court of Queen's Bench (I think the case was Coleman *v.* Goldsmith), in which it was decided that petroleum could not be kept for hawking in a hawker's cart unless that cart was licensed; and on the other hand the law officers expressed their opinion that a cart could not be licensed because it was not a "place," and therefore practically the hawker could not lawfully carry on the trade at all; and the Hawkers' Act therefore was introduced mainly for that reason, or that was the motive which led to the introduction of the Hawkers' Act; and the opportunity was taken to put the quantities and conditions of hawking upon what was then regarded as a reasonable and fair footing. That was the history of the Act of 1881.

21. That is a permanent Act, I suppose?—That is a permanent Act, and it completes the three Acts which govern the subject of petroleum in this country.

22. That is to say, the 1871, the 1879, and the 1881 Acts?—Yes.

23. Now, can you inform the Committee what, speaking generally, is the effect of the three existing Acts to which you refer?—I can do so; but I thought that, perhaps, it would save the time of the Committee, and perhaps be more convenient, if I included a summary of the principal provisions in this document on Petroleum Legislation which I have already handed in. It is at pages 2 to 5. I believe that that is a fairly accurate statement of the effects of the existing Acts. But one point I ought to make quite clear in answer to this question: that those Acts do not relate to any but a very limited class of petroleum. Petroleum under the Act is defined to include a number of things, almost everything which could be called petroleum or paraffin or anything of that sort; but petroleum to which the Act applies is defined to mean not all petroleum (in the ordinary sense of the word) as it had done in one of the former Acts, as you will see on this paper, but only such petroleum as gives off, when tested by the Abel close test, an inflammable vapour at less than 73° Fahrenheit. All other petroleum is excluded from the operation of those three Acts, except that there is a reference in the Hawkers' Act to petroleum. I will now, in obedience to your instructions, either read page 2 to page 5 of the paper on Petroleum Legislation which I have handed in, or indicate the fact that the answer to your question is to be found there.

24. You had better read it?—"The principal provisions of the existing Acts of 1871, 1879, and 1881 are as follows:—

"(1.) Petroleum is defined to include 'any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substances, any products of petroleum, or any of the above-mentioned oils' (1871, Section 3); while petroleum to which the Act applies is defined to mean not all petroleum (in the ordinary sense of the word), as it has done in the former Acts (see *ante*), but only such petroleum as gives off, when tested by the Abel close test, an inflammable vapour at less than 73° Fahrenheit (Act of 1879).

"(2.) A detailed system of testing is provided whereby the degree of inflammability is to be determined (1879, Schedule 1).

"(3.) The owner or master of every ship carrying petroleum to which the Act applies" (that is the language which is adopted throughout in relation to the low-test petroleums) "is required to give notice to the harbour authority on entering any harbour (1871, Section 5).

"All harbour authorities are required to frame and submit for confirmation by the Board of Trade bye-laws regulating the places of mooring of ships carrying petroleum, and the places where they are to land their cargoes, and the times, modes of, and precaution to be taken on such landing. The Board of Trade have power, on default of any harbour authority, to make bye-laws (1871, Section 4).

"*N.B.*—The term harbour is defined to mean any harbour properly so called, whether natural or artificial, and any port, haven, estuary, tidal river or other river, canal or inland navigation, *navigated by sea-going ships*" (I italicise that for a reason which will appear presently), "and any dock, pier, jetty, or other work in or at which ships do or can ship or unship goods or passengers (Section 2). There is no other provision in the Act as to the safe carrying of petroleum, except a power to local authorities to annex conditions to licences for storage, which conditions may include some as to 'the mode of carrying such petroleum *within the district of the licensing authority*' (1871, Section 9).

"(4.) The 50 yards limit contained in the Acts of 1862–68 disappears, and licences are required for the keeping of all petroleum to which the Act applies, whether within 50 yards of a house or not, except when kept (for private use or sale) under the following conditions:—

"(*a*) When the aggregate amount kept does not exceed three gallons; and

"(*b*) When it is all kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped (1871, Section 7).

"All licences for keeping are to be granted by the local authority, who have a discretionary power to grant or refuse, and also power to insert conditions 'as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which, petroleum to which this Act applies is to be stored, the facilities for testing such petroleum from time to time, the mode of carrying such petroleum within the district of the local authority, and generally as to the safe keeping of such petroleum as may seem expedient to the local authority' (1871, Section 9).

"(5.) The

Chairman—continued.

"(5.) The applicant has a right to appeal to the Secretary of State (or, in Ireland, the Lord Lieutenant) against the refusal of a licence or the imposition of vexatious conditions (1871, Section 10).

"(6) The local authorities are:—

"(A.) In any harbour within the jurisdiction of a harbour authority (whether or not situated within the jurisdiction of any other local authority)—The Harbour Authority.

"(B.) In the following districts, except so much as is part of a harbour:—

"(*a*) In the City of London.—Lord Mayor and Aldermen.

"(*b*) In the metropolis (outside the City of London).—Metropolitan Board of Works.

"(*c*) In any borough in England or Ireland.—Town Council.

"(*d*) In any place in England and Ireland within the jurisdiction of any trustees or improvement commissioners.—The Trustees or Improvement Commissioners.

"(*e*) In any place in England within the jurisdiction of a local board.—The Local Board.

"(*f*) In any burgh in Scotland.—The Town Council.

"(*g*) In any place in Scotland within the jurisdiction of police commissioners or trustees.—The Police Commissioners or Trustees.

"(*h*) In any place where there is no local authority as before defined—

"(1.) In England or Ireland.—The Justices in Petty Sessions.

"(2.) In Scotland.—The County Justices (1871, Section 8)."

—I believe I am right in saying that those have not been modified by the Local Government Acts.

"These local authorities are substantially the same as in the Acts of 1862–68, except that the jurisdiction of local boards is for the first time introduced.

"(7.) When petroleum to which the Act applies is—

"(*a*) Kept at any place, except during seven days next after it has been imported; or

"(*b*) Sent or conveyed by land or water in the United Kingdom; or

"(*c*) Sold or exposed for sale; the vessel containing it is to be labelled with the description of the petroleum and the words 'highly inflammable'; and to be labelled—

"(*a*) In the case of a vessel kept, with the name and address of consignee or owner;

"(*b*) In the case of a vessel sent or conveyed, with the name and address of sender;

"(*c*) In the case of a vessel sold or exposed for sale, with the name and address of vendor (1871, Sect. 6).

"(8.) Officers of the local authority are empowered to purchase petroleum (not merely petroleum to which the Act applies) 'from any dealer in it,' or, on producing authority, to require such dealer to show him every place or vessel wherein petroleum is kept, and to give him samples of the petroleum so kept, on payment of the value of such samples.

"The officer 'may declare in writing to the dealer' that he is about to test or cause to be tested the same (according to the Schedule of the Act), and the dealer or some one on his behalf has a right to be present at such testing; and a certificate given by the officer or person testing that the petroleum so tested is petroleum to which this Act applies shall be receivable in evidence in any proceeding before a court, but the dealer may give evidence that such certificate is incorrect, in which case the court may appoint a competent person to test the sample to which the certificate applies, and to declare whether such certificate is correct or incorrect. The expenses incurred in testing are to be paid by the losing side (1871, Sect. 11).

"A penalty of 20*l.* is imposed for the obstruction of an inspector (1871, Sect. 12).

"It will be observed that the inspecting officer possesses no *ex-officio* right of seizure, detention, or removal; the next section provides for this under search warrant.

"(9.) Provision is made for search by warrant and seizure and detention of any petroleum kept, sent, or conveyed in contravention of the Act (1871, Sect. 13).

"(10.) Power is reserved to Her Majesty, by Order in Council, to apply the Act, or any part thereof, 'to any substance'" (this is rather an important section), "and the quantity of such substance which may be kept without a licence is to be the quantity named in such Order in Council, or if no quantity is named no quantity may be kept. The label on the vessels containing such substance is to be such as the Order in Council directs. Orders in Council made under this section may be revoked and varied (1871, Sect. 14).

"Provisions are made as to procedure, application of penalties, &c. (Section 15). The application of a moiety of the penalty to the informer which was provided for in the Acts of 1862–68 is abolished.

"The Act is to be taken to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament, law or custom, and nothing in the Act is to exempt a person from any penalty to which he would otherwise have been liable in respect of a nuisance (1871, Section 16).

"The 1871 Act was passed for one year only (1871, Section 18), but was annually renewed until 1879, when it was made permanent (Petroleum Act, 1879).

"The Petroleum (Hawkers') Act, 1881, enables the hawker, if duly licensed to keep petroleum to which the Act of 1871 applies, to hawk the same, subject to the enactments for the time being in force with respect to hawkers and pedlars (1881, Section 1).

"The

Chairman—continued.

"The following regulations apply to such hawking :—

"(1.) The petroleum shall be conveyed at one time in any one carriage shall not exceed 20 gallons.

"(2.) The petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage.

"(3.) The carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce, or be liable to produce, an explosive mixture.

"(4.) Any fire, or light, or any article of an explosive or highly inflammable nature shall not be brought into, or dangerously near to, the carriage in which the vessels containing the petroleum are conveyed.

"(5.) The carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise.

"(6.) Proper care shall be taken to prevent any petroleum escaping into any part of a house or building, or of the curtilage thereof, or into a drain or sewer.

"(7.) The petroleum shall be stored in some premises licensed for keeping of petroleum, and in accordance with the licence for such premises, both every night and also when the petroleum is not in the course of being hawked.

"(8.) All due precautions shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the vessels containing the petroleum, and every person concerned in hawking the petroleum shall obtain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of hawking.

"(9.) No article or substance of an explosive or inflammable character other than petroleum, nor any article liable to cause or communicate fire or explosion, shall be in the carriage while such carriage is being used for the purpose of hawking petroleum.

"And it is further enacted that any petroleum other than that to which the Act applies while in any carriage used for the hawking of petroleum to which the Act applies, shall for the purposes of this section be deemed to be petroleum to which the Act applies."

That is the only place where the mineral oils, to use that term for a moment, are brought within the conditions of the Act.

25. "While in any carriage used for the hawking of petroleum to which the Act applies"?—If a hawker puts any mineral oil not otherwise under the Act with the petroleum to which the Act applies, it shall be all "deemed to be petroleum to which the Act applies." "Any conditions annexed to a licence under the 1871 Act which may be inconsistent with the 1881 Act, are avoided (1881, Sect. 3); constables and officers of the local authority are invested with certain summary powers of seizure of petroleum, and the vessels and carriages containing the same on reasonable belief of a contravention of the Act (1881, Sect. 4); and the Act is declared not to authorise the hawking of petroleum within any municipal borough in which, by any local authority, such hawking is forbidden (1881, Sect. 5), as it is in some of the boroughs." That, I believe, substantially is the state of the law at present relating to petroleum.

26. Can you state to us to what extent the subject of petroleum legislation has engaged the attention of the Legislature at various periods since the first Act of 1862?—It has engaged the attention of the Legislature a good deal, because, in the first place, we have seen that there were three Acts which were passed; but in addition to those there have been Bills in 1869, 1872, 1883, and 1891, all dealing, or attempting to deal, with the subject of petroleum.

27. Have those all been Government measures?—All of them; I believe I am right in saying all of them: I can certainly speak to the 1891 and to the 1883 Bills, and I think I am right in saying the same of the others; I am almost certain that they were Government measures. The Bill of 1891 I think you may look upon as substituted for the 1883 one.

28. You think, practically, the 1891 Bill is an embodiment of all that has been desired by legislation since the passing of the Act of 1862?—Yes; subject to such further information as I may obtain.

29. Can you tell me what inquiries have been held on the subject?—There have been three principal inquiries made by Parliament on the subject. The House of Commons Committee on Fire Protection in 1867 devoted a good deal of attention to the subject, and made some recommendations. Then there was the House of Lords Committee of 1872, which is referred to on page 6 of the Memorandum on Petroleum legislation: "The following Session (1872) an attempt was made to rectify an acknowledged imperfection in the Act of 1871, by the introduction in the House of Lords of a Bill in which a 'close' test with a flashing-point of 85° was substituted for the existing open test with its flashing-point of 100°. During the progress of the Bill the flashing-point was reduced from 85° to 82°, on the recommendation of a Committee of the House of Lords, which considered the Bill, and collected a great deal of interesting and important evidence. The subject of the test was keenly fought before this Committee, and no absolute agreement between the various parties concerned was actually arrived at: but the Lords' Committee reported, after full consideration of the evidence, that in their opinion if certain small alterations which they recommended in the construction of the proposed apparatus were effected, the temperature for the flashing-point of petroleum in the closed apparatus might . . . safely be fixed at 82°. . . . And that this standard will afford sufficient

Chairman—continued.

sufficient protection to the public, without unduly interfering with the petroleum trade.' The Bill, however, was not brought down from the Lords until the 26th July 1872, when it was presumably found too late to make any further progress with it, and it was abandoned." That was the only amendment proposed by that Bill. Then we had the two other Acts of 1879 and 1881. Then an attempt was made to effect a comprehensive revision of the law in 1883 (and this would he the third inquiry) when a Bill was introduced by the Government of the day in the House of Lords, at a late period of the Session ((the 17th July) and was referred to a Select Committee, which reported on the 9th August 1883, as follows: "That the Committee have met, and have taken the evidence of Colonel Majendie, Her Majesty's Inspector of Explosives, and also evidence from London, Liverpool, Exeter, and other towns, and have heard the objection of the Petroleum Association and the Metropolitan Board of Works, and are of opinion that any arrangements made for the storage and keeping of petroleum could not be carried out until the middle of next year. They think, therefore, that the evidence they have collected will enable the Home Office to frame such a Bill (as may be deemed necessary) in the early part of next session, which will meet the views of the witnesses and provide for the safety of the public. They are, therefore, of opinion that it is not expedient to proceed further with the Bill; and the Committee have ordered the evidence to be laid before your Lordships." That was the last inquiry on the subject in either House of Parliament.

30. There were inquiries, were there not, preceding the Bill of 1883?—Not Parliamentary.

Colonel *Palmer.*

31. Where do you get the alteration from the flashing-point of 82° to the flashing-point of 73°?—The flashing-point of 82° was never introduced; it was only in a Bill. It was suggested; that was in 1872. It was introduced with a flash-point of 85°, which was reduced to 82°, but the Bill, as stated in the paper I have handed in, was not brought down until so late in the Session that it was presumably found too late to make any further progress.

32. Then this Bill was for the purpose of raising the flashing-point from 73° to 85°?—The flash-point at that time was 100°.

33. Open?—Open.

34. And the equivalent was then said to be 85° close; is that so?—The equivalent in the then close test, which, however, was not the Abel test.

35. Now I want to know whether the Abel test of 73° was the equivalent of the close test of 85°, which was not the Abel test?—I do not know that there was ever any definite comparison.

36. Here we get two close tests supposed to represent the open test of 100°?—That is quite true; but I do not think there was ever any definite comparison made (perhaps other witnesses can inform you) between the close test suggested by the Bill of 1872 and the Abel close test, which was effected by the Act of 1879; I do not think the two were ever directly compared.

Chairman.

37. Do you wish to state anything further with respect to any different flash-point which has been proposed from that introduced in the Bill of 1868?—Well, I think I have shown that subsequent to the Bill of 1868, there were several attempts to introduce other tests and other flash-points. There was the 1871 Act, which proposed a close test of 85°. There was the 1872 Bill, which also had a close test of 82°, as it issued from the Lords. Then there was the Act of 1879, which introduced the Abel close test and 73°, but since that no proposition that I can recall, to alter the flash-point, came before us until a year or two ago, after the withdrawal of the Bill of 1891. Although the trade were in full and formal consultation with myself, and appointed two separate committees to confer with me upon the subject of legislation, in 1884 and in 1888, on no occasion in the course of those inquiries was the subject of the raising of the flash-point suggested to me; and I do not find that there was any proposition to that effect before the House of Lords Committee in the year 1883; and in the formal criticism of the draft Bills of 1884 and 1888, which subsequently went to make up the Bill of 1891, the trade made no suggestion, nor did anybody outside the trade, that I am aware of, make any suggestion of an alteration of the flash-point.

38. Then up to 1891, as far as you know, there was no general suggestion of raising the flash-point?—As far as I know, and distinctly believe, the trade were quite satisfied with the flash-point. I have no reason to believe the contrary. On the contrary, my propositions, as embodied in a Bill, were very closely criticised, and I should have thought if there had been any strong feeling on that point, as on others, most undoubtedly it could not have escaped notice.

39. During the agitation in the Bill of 1891, the agitation was not at all directed to the question of a flash-point?—No, not at all. I do not think anybody proposed to alter the flash-point then.

40. The Bill of 1891 did not propose any alteration in the flash-point?—No; we proposed some minute modifications of detail in the test, such as the substitution of a clock-work apparatus for the present apparatus, but nothing which would affect the flash-point at all; we left that at 73°.

41. Practically you maintained the flash-point with the Abel test at 73°, in the Bill of 1891?—Yes; no suggestion was made to me which suggested any necessity for altering it.

42. None from the insurance offices, for instance?—No, I am not aware that they ever made a representation to me on any subject.

43. When did you first hear of the desire to raise the flash-point?—I think, perhaps, about two years ago.

44. And where did it come from?—It came from some gentleman who wrote from Scotland, and was connected with one of the Scotch oil factories there.

45. Was that coincident with a great fall in the prices of American oil?—I did not examine into that.

46. Do you propose to give us a statement with respect to the Bill of 1891?—Well, sooner or later, I did propose it, but later rather than sooner

Chairman—continued.

sooner, with your approval, because I should be glad to know what is to be said.

47. Then perhaps you had better continue your evidence. Now what has been done by the Home Office in the way of inquiry into this subject?—A great deal has been done with a view to inquiry upon this subject; I speak, of course, only as far back as I can go; but in 1875, we sent out a circular to a number of local authorities, asking a number of questions with relation to the Act. It went to all chairmen of Quarter Sessions in England, Wales, Scotland, and Ireland; the mayors of all boroughs in England, Wales, and Ireland, and 37 of the chief harbour authorities throughout the kingdom; and we received 371 replies to those; and in the memorandum which I now produce, and which I suggest it would be a convenience to the Committee to possess (it is a Parliamentary document; it was a "memorandum" on the Inflammable Liquids Bill of 1891), there will be found a tabulated abstract of the circular, and of the replies we received. I shall have to refer to it very frequently in my evidence; and if the Committee will allow me, I shall speak of it as "The Memorandum." That, then, was the first. Then the Lords Committee of 1883, as I have mentioned, recommended that we should deal with the subject during the winter ensuing that Session; and I was directed by Sir William Harcourt to place myself in communication with the trade with a view to visiting a number of typical places both in England and on the Continent; and as will appear from this memorandum at page 11, Mr. Boverton Redwood, who was then Secretary of the Petroleum Association (as representing the Trade), and I visited, I find, 242 different places, of which 50 were on the Continent, and the rest in England, Scotland, and Ireland. Then after that visitation of these different places, in 1884, I had frequent conferences with a consultative committee of the Trade on a draft Bill, which I then proposed; but nothing was done, and the trade were very anxious that before anything was done, I should have an opportunity of extending my observations to America; and on their representations and urgent solicitation I was sent, with Mr. Boverton Redwood (who was good enough to accompany me and render me great assistance) to America and to Canada, where we visited 75 other places. Then in 1888 another committee of the trade was appointed that numbered 41 members; there were 35 English, 4 Scotch, and 2 Irish; and before we met that committee we received an assurance from the Petroleum Association of London that it would be fairly representative of all branches of the petroleum trade.

48. Who appointed these committees?—The trade, through some agency which I believe was mainly set in motion by what was called the London Petroleum Association; I believe so, but I did not go behind that. They were the people we dealt with; and they declared (and no doubt quite correctly) that it was a thoroughly representative committee, not only of the different branches of the Trade, but of each section of the industries which that trade represented. Well, there was an abstract of a Bill, and I had considerable conferences; four long meetings, with the trade, and we discussed the different points. I was able to agree on some, and some I could not. Then afterwards I had a conference with the chemical and allied trades section (I think that is the proper name of it) of the London Chamber of Commerce; that was in June in the same year. Then, beyond that, I thought it very desirable, in view of forthcoming legislation, that we should obtain some information, and the best we could get on the subject of lamp accidents, and with that view I addressed a letter to Sir Frederick Abel and Professor Boverton Redwood; and they undertook an inquiry into lamp accidents, the result of which (it is an important document rather) is embodied in a document which was presented to Parliament, and which I would suggest is perhaps one that would be useful to the Committee. It is Parliamentary Paper, No. 6,059, of 1890, on "accidents with mineral oil lamps." Thus, Sir, there were seven different directions in which we prosecuted our inquiries. Beyond that inquiries were made through the Foreign Office as to the practice and law of foreign countries as far as they could obtain it for us, and as far as we had been unable to obtain it ourselves on the subject of petroleum. Since 1891 I think I may say that nothing has been done.

Chairman—continued.

Sir *Henry Roscoe.*

49. Where in the memorandum is that about the foreign countries?—I was going to give you a reference to it; it runs to a considerable length; but the foreign legislation upon the subject, or what we were able to collect by our own observations, with the assistance of the Foreign Office, will be found at pages 43 to 71, inclusive, of the memorandum. Of course it is right I should state to the Committee that I cannot be responsible that these reports and things as we collected them then are up to date. They were correct at that time, and I have no reason to believe that they have been altered, but I should not like to be regarded as handing these as responsible for their present accuracy.

Chairman.

50. Now, have your inquiries, to which you refer, been extended to various departments of the trade, or have they been confined to places where petroleum was stored?—No, they extended to every branch as far as we could extend them. At page 11, and the top of page 12 of the memorandum, you will find that we visited "docks, wharves, wholesale warehouses, and stores (bonded and other), railway depôts, refineries, factories of paraffin oil and candles, tar distilleries, paint and varnish factories, lubricating oil factories, india-rubber factories, retail and hawkers' premises, besides some place where turpentine is used and stored."

51. Your inquiry was practically an exhaustive inquiry?—It was desired to make it so, and I believe it was, as far as practicable.

Colonel *Palmer.*

52. But it terminated early in 1890?—It terminated really before that. I mean I was in a position to make recommendations for the Bill as early as 1888; so that with the exception of some occasional

Colonel *Palmer*—continued.

occasional visits since then, the inquiry did terminate in 1888.

53. The report of these "accidents with mineral oil lamps" does not bring us up to a more recent period than five years from the present date?—That report is dated 1890.

54. The report itself is dated 1890?—That I believe is the last report upon the subject of mineral oil lamps, but of course more evidence can be obtained on that point.

Chairman.

55. Now, as the result of your inquiries into the conduct of the trade in this country, are you of opinion that the existing law sufficiently provides for the public safety?—No, I am of opinion that most undoubtedly it does not provide or nearly provide for the public safety. In its general scope and application it is in my judgment very defective; but even as regards the class of petroleum which it professes to regulate, I think I shall be able later on to show that it is gravely incomplete.

56. Did you, as a matter of fact, come across any instances of danger arising from defective legislation, or the absence of legislation?—Yes, I came across a great many; and I thought it might be useful if I included and set out, as I have set out at pages 72 to 76 of the memorandum, a number of instances of places noted as being more or less dangerously conducted. They are referred to by letters and numbers.

57. That is Appendix H.?—Appendix H. of the memorandum; and I am sure that if the Committee will look through those they will see that they are, many of them, of a very dangerous character. Of course, I only went to a comparatively limited number of places, but I believe I went to typical places, and I believe that these are types of existing risks. Then we have had besides that ship accidents; I mean actual cases of accidents with ships. I have held for the Board of Trade, or assisted in holding in some cases, inquiries into accident on board a number of those ships, "The United," "The Catherina," "The Chas. Little," "The Fergusons," "The Wild Flower," "The Tancarville," "The Lux," "The Petrolea," and "The Norcross." Those are vessels in which accidents have occurred within the time covered by my inquiries; I do not say the only cases, but cases of which I have been more or less cognizant. Then in addition to that, of course, there have been lamp accidents, and I believe that those are very numerous. I believe that evidence will be available to show how very serious they have been in London and elsewhere. Then with regard to the question of accidents generally, I stated at the outset that no reports have to be made to the Home Office of accidents, and therefore any list of accidents which we give is necessarily incomplete; but I have occupied myself from time to time in noting some of the more important ones, and at pages 105 to 126 of the memorandum I gave a number of accidents which had occurred up to that time. I have here a document continuing that and making a few modifications in it. Errors have crept in which I am sorry for, but which I believe have been corrected; but I can hand in to the Committee a report upon all the accidents which we have noted up to the end of 1893; not generally lamp accidents; we have not been able to follow those at all. But to show you how incomplete that list is I should like to state that when the Bill of 1891 was in preparation I applied to Captain Shaw, then the Chief of the Metropolitan Fire Brigade, to furnish me with a list of accidents which he could trace clearly to petroleum, and he furnished me with a list in which he gave 503 accidents. I think here there are only 167 or 200 at the outside; but 503 was the number he gave. Those were in 20 years; in 1871 to 1890 in the Metropolis 503 fires, or rather more than 25 per annum, which Captain Shaw in a return recently furnished to me states were occasioned by oil or involved aggravated damage in consequence of the presence of oil. "In this return," Captain Shaw observes, "I have included only undoubted cases." I make this observation in order to guard against the supposition that I am handing in a complete list of fires due to petroleum; but I think this list will show that the fires have been in some instances of a very formidable character.

Chairman—continued.

58. Using the words in respect of Captain Shaw's return, you said that the fires were due to or aggravated by the presence of oil; because necessarily if any inflammable liquid was in any place, warehouse, or store, that took fire, the fire though not due to the petroleum or the liquid itself, would be aggravated by its presence?—Certainly. What I understood Captain Shaw to mean was that they were fires which were sensibly affected; that either would not have occurred on the one hand, or they would not have been of such formidable character on the other, if it had not been for the presence of mineral oil.

59. But not necessarily originated by the mineral oil?—No; and that is a point which later on when dealing with legislation I shall show is of great importance.

Mr. *F. C. Fyre.*

60. Are fires from defective lamps included?—I do not know how far Captain Shaw's return related to defective lamps.

Colonel *Palmer.*

61. He does not differentiate?—I do not think he does.

62. He does not divide them into accidents "caused by" and accidents "aggravated by" the presence of oil?—No.

Mr. *Isaacson.*

63. Did any of the accidents take place in any of the places which you have indicated at page 72, Appendix H., of the Memorandum?—One of these cases mentioned in Appendix H. was the storeage of some oils at Dublin. I noted that as a very bad place, and I think the very year afterwards they had a very bad fire; Beckett's Store, in Dublin. I refer to the fire at the Dublin Store on the 30th March 1884, and I could, I have no doubt, with a little time, identify the particular store as among those in

Appendix

Mr. *Isaacson*—continued.

Appendix H.; I should have to refer to my index.

Chairman.

64. Now, in reference to the visits of inspection and inquiry made by you on the Continent of Europe and in the United States, are you in a position to furnish the Committee with any results of that branch of your investigation?—Yes. That question has been so far anticipated that I think I have stated, in reply to an inquiry, that at pages 43 to 71, inclusive, of the Memorandum, will be found such particulars of foreign legislation as up to the time of that Memorandum we had been able to collect.

65. That is as to legislation?—Yes, that is as to legislation. Also, I may say, generally, that on the Continent they are very much in advance of ourselves in regard to the precautions adopted for the controlling of the storage of mineral oils. Indeed, as far as I know, this is the only country where mineral oil is not controlled, mineral oil as distinguished from petroleum, to which this Act applies, to which it would perhaps be convenient that I should, once for all, give the name of spirit, as being a more volatile substance.

66. You say in that respect, in respect of control by the State or by the municipalities over the storage of mineral oil, we are more defective than in any other country you are acquainted with?—Yes. May I read a passage from page 15 of the Memorandum, which I believe holds good now: "It may be stated, broadly, that the United Kingdom is out of line with considerably the larger proportion of all other countries in the matter of the control of mineral oil, for whereas in the United Kingdom no control of any sort exists as regards *oil*." (I believe there is an exception to it in the Isle of Man.) "In the case of the whole of the following countries and places some form of license or controlling legislation (often of a most stringent character) applies to mineral oil as well as to mineral spirit." The places that I have named are: "Austria, Belgium, Bremen, Canada, France, Germany, Hamburg, Holland, Italy, Japan, Norway, Portugal, Russia, Spain, Sweden, Switzerland and the United States of America (where a considerable mass of legislation exists with regard to mineral oil, and the majority of the larger cities have some sort of ordinance which deals with the burning oils, and not merely the lighter products)."

67. With the burning oils?—They may, some of them, except the very heavy oils; but the ordinary burning oils of commerce, the sort of thing everybody burns in their lamps, are controlled.

68. Have representations been made to the Home Office by public bodies and others in favour of any modification of the existing law?—Yes, repeated representations; representations from a great number of public departments, and representations from a great number of public bodies. On pages 16 and 17 of the Memorandum you will find a list of people and of bodies who have made representations in favour of amended legislation, or suggestions as to the same, together

Chairman—continued.

with some admissions and concessions (as I call them) on the part of the trade since the beginning of 1878, and in verification of that statement, I have given, at some considerable length at pages 86 to 105 of the Memorandum, the actual wording of the more important of these representations, which you will see are from various bodies. I have quoted one, the House of Lords Committee of 1883. Then, besides that, I may name these: The Irish Government, the office of Secretary for Scotland, the Board of Trade, the Admiralty, the Corporation of the City of London. (Deputation to Secretary of State, 6th November 1889.) The Metropolitan Board of Works, the London County Council, the Thames Conservancy, the Corporation of the City of Dublin, and the Markets Committee of the same; the town clerk of Birmingham, the town clerk of Liverpool, the town clerk of Portsmouth, memorial from inhabitants of Exeter, and so on. Then you will see the chief officers of a number of fire brigades, on page 17 of the Memorandum. And then, further, that on the 13th March 1891 there was an annual meeting of the Municipal Corporations Association which was held at the Guildhall, London, and they say: "That this meeting, believing that legislation is imperatively necessary with reference to the keeping, selling, and conveyance of inflammable liquids, expresses a hope that the Bill introduced by the Home Secretary" (that was the 1891 Bill) "may be allowed to proceed to second reading, in order that it may be fully considered in Committee, and any amendments made that may be necessary for the protection of the interests of the trade." The Committee will find on pages 18 and 19 a list of 98 municipalities which were officially represented, and there were 14 members of Parliament also present; and I am not here at all exhausting the representations, because minor ones come to us continually.

Mr. *Isaacson.*

69. That was in 1891?—That was in 1891. In fact those figures relate up to 1891 inclusive.

Chairman.

70. You have frequently had communications on the subject with the Board of Trade, I presume?—Constantly. The Board of Trade have made very urgent representations as to the necessity of an amendment of the laws relating to the conveyance, most especially in ships; and I have had consultations with the Board of Trade; and in advising the Secretary of State as to the legislation for 1891, I, of course, was guided by their desires in the matter.

71. Now, have the representations to which you have referred had reference to the flash-points of the oil, and to the necessity for dealing with dangerous lamps, or have they been rather of a general character?—They have been of a general character chiefly. As I mentioned some little time back, I believe that no representations, or none at any rate of any very considerable importance (I cannot recall any) were made to us as regards the flash-points until about a couple of years ago. As regards lamps, there have been representations from time to time; and I have always been aware that that was a subject

 that

Chairman—continued.

that would have to be fully inquired into; but, generally, the representations which I am speaking of or have spoken of just now were representations as regards the general deficiency of the law.

72. Mainly as to conveyance and storage, I suppose?—Yes, mainly as to conveyance and storage.

Colonel *Palmer.*

73. When these representations had been made to you had they been general, or had they persistently addressed themselves to these two points mentioned by the Chairman, conveyance and storage?—They have been, I think you may say, general, except in this sense: In the case of the Board of Trade, for instance, the representations from the Board of Trade would be specifically addressed to the question of conveyance, and chiefly marine conveyance, chiefly shipping. But, as a sample of other cases, I may refer you to this communication from the Irish Government; I take this, because this happens to be the first one, it is at page 86 of the Memorandum: "Sir, I am directed by the Lord Lieutenant to request you will be so good as to move the Secretary of State for the Home Department to inform me whether any Orders in Council have been made under Section 14 of the 34th & 35th Vict. c. 105" (that is the Act of 1871; that is the section which allows the Act to be applied to other substances than petroleum as defined by the Act) "and whether it has been considered to be within the powers conferred thereby to make an order extending the application of the Act to petroleum of a less inflammable character than that defined in the Act; and if so, whether it has been thought desirable to make such an order. His Grace desires me to add that the reason for asking for the above information is a communication received from the local authority of the city of Dublin referring to enormous quantities of petroleum stated to be stored in this city to which the Act does not apply, although it is an oil from the storage of which in large quantities great danger is to be apprehended; and suggesting that steps should be taken under the said section for the purpose of applying the provisions of the Act to this dangerous substance."

Mr. *Isaacson.*

74. What is the date of that?—That letter was written in the year 1878. It is dated: "Dublin Castle, February 12, 1878." It is page 86 of the Memorandum. I have merely taken that as a sample; there are others. However, the Committee have the whole of these before them and they speak for themselves; I do not want to seem to press one more than another.

Chairman.

75. They have not gone into detail as to the flash-point?—I do not think you will find the flash-point mentioned in any one of these representations.

76. Storage and carriage they have mainly referred to?—Storage and carriage. I should like to call the Committee's attention to one representation most particularly here, and that is from Birmingham; it is to be found at page 93 of the Memorandum, and you will see what the Birmingham authorities thought of the state of affairs there under the Act. It is dated February 11th, 1891.

77. From the fire station?—"Chief fire station, Birmingham."

78. Will you state what in your judgment (based on your inquiries and on representations from public bodies and others) are the principal defects in the existing law relating to petroleum?—Yes, I will try to do so. I should state at the outset that the law relating to petroleum has never really been satisfactorily settled; it has been in a continual state of flux; either the text has been unsatisfactory or the hawking has been unsatisfactory or something has been unsatisfactory; it never has been really properly settled. And further it has never made, I was going to say, any attempt excepting the Bills which have come to nothing, to keep pace with the developments of the trade. For example take the question of bulk conveyance. When the Acts were passed I believe (subject to correction by members of the trade who know better) that practically the conveyance of petroleum in bulk did not exist; and yet the conveyance of petroleum in bulk is a thing which introduces very new and formidable risks which in no sort of way are guarded against by the existing law. Now, I will give you one point as an example, namely, in conveyance. If you look at the bye-laws or the powers of the bye-laws you will find that a local authority cannot make a bye-law which affects the ship after the cargo is discharged; that is to say there is no power of requiring the tanks to be thoroughly cleansed from vapour and from those things which introduce an explosive atmosphere or inflammable atmosphere; that is to say, they can make bye-laws in a very limited way up to a certain point, but directly the danger becomes of a very formidable character they cease to have any powers to make the bye-laws at all. I shall show that more in detail as I get on. That is merely an example of how the law has not kept pace in any way with the development of the trade. Now with reference to the fundamental defects of the law, I have set down at pages 21 to 25 of the Memorandum, the principal points upon which I consider the law is defective, and that without any reference to the question of flash-point and without any reference to the question of lamps for the moment. Now, in the first place there is the absence of any provision for controlling the storage or conveyance of mineral oil; that is to say, the Act applies as it applies in no other country, only to a particular volatile variety or description of petroleum; it does not govern that which is really in regard to its quality very much the more important article. If the oil has a flash-point above 73 deg. Fahr. it ceases to be under any legislative control whatever; and the Committee will find in this list of accidents cases, or I can give more definite references to accidents, which have been due entirely to what I call high-test petroleum; that is

Chairman—continued.

is to say to oil as distinguished from spirit. And not only that, but there are a great many other fires where the presence of the oil has made a fire which might have been a very unimportant one in itself, a very important one; because directly you get the fire established in a place where there is oil, the oil becomes for all practical purposes, you may say, the same as the spirit; its temperature is raised and it proceeds to burn. Now take the great fire at Dudgeon's Wharf which led to my visit to America. That was on the 20th August 1886. I believe I am right in saying that there was not a particle of petroleum to which the Act applied in that fire; but nobody who saw it or knows the circumstances can doubt that it was a fire of a very important character. And, therefore, I always strongly urge that the law is fundamentally defective on this very important point. I think the Committee will find that a considerable number of the trade have admitted the necessity for some regulation of large stores or large quantities of oil. You will find that their opinions are quoted in these appendices to the Memorandum which I have already referred to. But, of course, that is always a question of degree,—What is a large store? and that which may be a very inconsiderable store out in an open place may become a very large store indeed in a populous place, say, like the Borough, or some place of that sort; and you will find that a great many of my examples of what I call "dangerous places" are culled from places in the midst of the most crowded neighbourhoods; and there is no statutory disability that I am aware of to prevent anyone from establishing a store with any number of thousands of barrels, or it may be in tanks, of oil in any part of London, or other populous places. Then the next defect, I think, is the absence of any definite regulations of general application for securing the safe keeping of petroleum. Now, the principal defect under this head is the absence of any provision for preventing the outflow of petroleum, or its escape into drains or sewers. Of course it is open to the local authority to make any rules they like in granting licenses; but this is a matter of so great importance that I do not think it should be left to the local authority. I think it is a matter which the Legislature should state shall be done, because we find, as a matter of fact, that the local authority do not appreciate the importance of that point, and have not insisted on that being regulated; and I shall be very much surprised if the Committee do not find that the witnesses from the trade who appear before them will admit that that is a real necessity, and a real defect in the present law.

Mr. *Jacks.*

79. Would not the sanitary inspectors in the different towns interfere?—As a rule they do not pay any attention to it. I am sorry to say that the result of those visits which I paid to that large number of places in England and Wales, Scotland, and Ireland, was to show that in the majority of the cases, not by any means in all, but in the majority of cases, the local authority do very little indeed; and I spoke upon that point rather fully before the Lords Committee in 1883.

Mr. *Jacks*—continued.

Chairman.

80. I gather that your judgment is that any law regulating storage, any control whatever over the carriage or storage of mineral oils, should be one that should be of universal application, and should be obligatory on the local authorities to carry out?—Up to a point I think it should; and I think further that there should be power to galvanise the local authorities into the proper discharge of their duties where they are absolutely inactive and will not do anything. Then we come to the defective character of the regulations relating to the conveyance of petroleum. Now I have summarised these at page 24 of the Memorandum as follows: "(1.) The definition of 'harbours' excludes canals and inland navigable waters, and conveyance on them is not controlled in any way," say the Regent's Canal for example. "(2.) The power of harbour authorities to make bye-laws is limited to vessels entering a harbour, and does not extend to vessels shipping in the harbour and proceeding therefrom. (3.) There is no statutory power or obligation to make regulations for the conveyance of petroleum on railways and roads."

81. No statutory power to regulate the conveyance of it by railway?—No.

82. Nor by highway?—Nor by highway.

83. Nor by canal?—I think I may say nor by canal, unless the canal is navigated by sea-going ships. I suppose, for example, in the case of the Manchester Ship Canal, you could make bye-laws, because it would be within the terms of the Act.

84. Of course it comes under the Merchant Shipping Acts?—Yes.

Mr. *Wootton Isaacson.*

85. There is nothing to prevent a barge on the Regent's Park Canal being loaded with petroleum?—Nothing. That is what was done at the time of the explosion of 1874, when it blew up with five tons of gunpowder.

Mr. *Jacks.*

86. Your remark would not apply to the Forth and Clyde Canal?—It would not apply to those canals which are navigated by sea-going ships.

87. That canal is not navigated by them?—Then I imagine that it would not apply to it. Certain canal companies may have taken special powers, but there is no power similar to that which exists in the Explosives Act, which enables the Board of Trade to say to a railway company or harbour authority, You shall make bye-laws with reference to this.

Chairman.

88. You contend that there are no general powers; there may be in some private Act?—Yes. I wish to say that my observations relate to the general condition of things. Then we come to this "(4). The regulations as to hawking petroleum, notwithstanding the Act of 1881, remain defective, and are in some respects practically

Chairman—continued.

practically unworkable." Here is what one of the trade says, Mr. Fox, of Bristol (it is at page 24): We are terribly crushed by the Hawker's Act." I think there you will find that the trade admit that the Hawker's Act is unworkable. I do not suppose it is observed, and I do not suppose anybody takes the trouble to see that it is observed. Then "(5) There is no regulation prescribing the use of suitable and sufficient cases" (or packages) "for conveyance of petroleum. (6) Generally there is no power vested in any central authority to impose or require to be made, regulations enjoining due precautions in the conveyance of petroleum, an omission which, in view of the increasing trade in bulk (as distinguished from barrels) is of a very serious character." I have already spoken of the bulk question, and I will not weary the Committee by referring for the moment further to it.

Mr. *Paulton.*

89. I suppose it becomes all the more important from the fact that the imports had enormously increased?—Enormously increased; the trade has developed very very much. I will give you some figures up to 1891; I cannot carry it further; no doubt the trade can.

Chairman.

90. How far can you go back?—Almost to the beginning of things.

91. We will go to that afterwards; will you kindly finish your statement?—Then I consider that another very grave defect in the Act is the provisions as to the control by the local authority. Now there is no distinct statutory obligation on the local authority to enforce the law, or to appoint officers for the purpose of inspecting places within their jurisdiction, taking samples, &c. I should like here to refer to an answer which I gave on that point to the Lords Committee in 1883. It is on page 13 in the Answer to Question 54. "The Irish Government have reported to us that they have gone very carefully into the matter, and they state as the result of their inquiries that while 5,949 dealers have been found to exist, only 143 of them were licensed. No doubt many of the unlicensed dealers were dealers on so small a scale that, in virtue of Section 7 of the existing Act, they did not require a licence; but it is impossible but that these figures represent the existence of a very considerable number of unlicensed dealers. It is to prevent that sort of thing we propose to introduce this compulsory power." That had reference to the Bill of 1883. Then when I visited these different places I found in some places that there really was no administration of the Act at all; some people had hardly ever heard of it at all, and had done nothing. And, therefore, I think that the absence of any absolute statutory obligation, or the absence of any provision to enable some central authority to procure the effective administration of the Act by the local authority, constitutes a grave objection and a grave defect in the existing Act. I can only say speaking from now 19 years' experience of the administration of the Explosives Act, which

Chairman—continued.

I think has been extremely beneficial in regard to the reduction of the number of accidents and so on, that if it had not been for the fact that the Secretary of State has in that Act some power to get the local authority to do what they ought to do, I am quite sure that we should not have had anything like the results we have been able to accomplish with that Act; and one of the hardest parts of our work has been to keep the local authorities up to their duty in regard to that. Then we come to the absence of any provisions to enable a central authority to ascertain as to the extent to which the law is or is not observed. Under the Explosives Act we have power to require the local authority to send us returns of the number of people, or we have power to examine their documents and see how many people they have licensed, who are licensed, and so on. There is no such power under this Act, and that has placed us in a very great difficulty with regard to collecting information with reference to the Petroleum Act, the fact that we have such a very light touch, so to speak, of the Act itself. Then the character of the local authority, in many cases I think admits of considerable improvement. Then there is the absence of any power for an inspector to seize any petroleum found by him to be illegally kept or conveyed (except in case of hawking). This power did exist in the 1868 Act. It seems to have dropped out. Then the next point is, the defective character of the provisions as to inspection, search, sampling, and testing. Some of the defects under this head were noticed by the Petroleum Association; others will be patent to anyone who bestows an attentive consideration on the search, sampling, and testing clauses, while in some important details the test itself requires readjustment. Then the next point is the absence of any power on the part of a central authority to hold inquiries in the case of accidents, or generally to exercise any observation as to the working of the Act.

92. What page are you quoting from?—I am quoting from page 25 of the Memorandum. "The Secretary of State has been repeatedly asked to hold inquiries, and in some cases such inquiries might certainly have been held with advantage, but the existing statutes contain no power enabling Government to institute any formal inquiry" (except in the case of an accident on a ship or railway). "Although in the case of the Bristol accident of 1888 an inquiry was held, it was of an informal character, and it is uncertain whether if it had been resisted it could have been pressed." That was the case of the loss of the ship "United" in the docks at Bristol; I held the inquiry in that case myself, and I was uncertain the whole way through whether if it had been resisted I should have been entitled to press it; I had no *locus standi* at all. "Nor is there any power for a Government officer to attend an inquest for the purpose of examining witnesses." Those represent the more important defects of the present law. When you come to recommend legislation, there are a great number of minor details which will require attention, but I only want to deal with the more important ones for the moment.

93. Now in the statement of defects which you have

Chairman—continued.

have submitted to the Committee, you do not refer to the subject of the flash-point or to the lamps; may I ask you, is the Committee to understand that in your opinion the law is entirely satisfactory on these two points?—No. I do not refer to those two points because I have not yet heard the question of the flash-point discussed. As I have already mentioned to the Committee it has never been brought before me till the last two years. Since the Bill of 1891 was given up it has never come before us at all. I do not know what the considerations are which have made that important to the trade now, which appears to have been of no importance at all before 1891; and until I know that I am afraid I cannot advise or assist the Committee on that point. But as regards lamps I do certainly believe that legislation is required.

Colonel *Palmer.*

94. On the subject of flash-points, are you in a position to give the Committee the fullest information as to the flash-points which are in existence in other countries where petroleum is being used?—I do not think I am in a position to give the Committee the fullest information, but I think the Committee will find in those pages from 43 down to 71 inclusive, which contain the summary, or extract, of the law which I have given, the flash-points in all cases indicated as they existed at that time.

95. Let me call your attention to this: I have before me at page 56, Group A, of the United States of America, where we have a number of flash-points given under tests which we do not use; and, of course, to appreciate, or draw any line between the two, we should want to know more?—You refer to the heading "Tagliabue, or other approved instrument." That is a point upon which I am sure you will have witnesses who are thoroughly competent to assist the Committee with regard to that.

Mr. *Alexander Cross.*

96. If the flash-point was raised materially would the risks and perils you have referred to be materially reduced?—I should not like to say that. I am quite sure of this: that whether you raise, or do not raise, the flash-point, the Act will remain defective, and requires to be amended in many, if not all, the particulars I have named. I shall be happy to give any answers I can, but on that particular question of whether I think the flash-point ought to be raised, I will ask the Committee to allow me to reserve my judgment till I have heard a little more what is to be said one way or the other. As regards lamps I have said that I do think that legislation is required; and the Committee may, perhaps, ask why I hold that view: the subject of lamps was not dealt with in the Act of 1891. I will be quite frank. It was not dealt with, because I felt it was an exceedingly difficult question. I knew that the Bill must go before a Select Committee in some way or other, and I thought it a matter far better thrashed out in the Committee, and that some recommendation should emanate from the Committee than that we should overload our Bill with what might prove to be an impracticable

Mr. *Alexander Cross*—continued.

scheme. I knew that the lamp-makers would appear before the Committee and give their views, and therefore, although in that Report of 1890, covering the Reports of Sir Frederick Abel and Professor Redwood, I indicated the necessity for legislation, I did not indicate the particular character of the legislation with regard to lamps which I think should be adopted, though I have my ideas on the subject.

Chairman.

97. You know that there have been a great number of accidents from lamps?—I believe that there have been a great number of accidents from lamps.

98. Quite irrespective of the question of the flash-point?—Quite irrespective of the question of the flash-point. To take one accident of many, the accident which proved fatal to Lord Romilly, I believe it will be shown to the Committee (I do not say this by way of prejudicing the question of flash-point) that the flash-point of that oil was something like 110 degrees by the Abel test.

99. The defect was in the lamp?—Yes.

100. Now, since the first Acts dealing with petroleum were passed, has the necessity for any amendment of the same increased by reason of the development of the trade or from any other causes?—Yes, it has increased by reason of the large developments of the trade. Here, I am afraid we have been, so far as inquiries go, in a state of "suspended animation" since 1891; but I find (these figures I am quoting from page 25 of the Memorandum) that "between 1883 and 1889, the importation of petroleum increased from 1,329,506 barrels to 2,126,817 barrels, being half as much again in the latter year (1889) as it was six years before. If the comparison be carried further back it appears that the trade increased from 651,356 barrels in 1880, to 2,126,817 barrels in 1889; in other words, that the importations more than trebled. Confident anticipations are expressed that the extension of the use of petroleum for fuel and other purposes will render it a largely increasing article of commerce." I have no doubt that trade witnesses will bring you exactly up to date with reference to that; but I have no reason to doubt that you will find that the trade is increasing still.

Colonel *Palmer.*

101. Does not your information go to show that, taking the date that you have mentioned, 1889, between which and now you are drawing a comparison as to the quantity used and imported, prior to 1889 the proportion of oil used in this country was of a very much higher flash-point than would be the average flash-point of the oil used since?—I have no information which would lead me to that conclusion. The flash-point practically of 73 degrees, if it is the equivalent as far as can be of the 100 degrees flash-point with the open test, has practically been the flash-point since 1868, when the Act was passed.

Chairman.

102. Will you kindly continue?—Then I wished to make clear that the trade has so largely increased that what might have been unimportant

Chairman—continued.

in the matter of legislation some years ago becomes very much more important now that the trade has attained its present dimensions. Then there comes the other question which I have already touched upon in reply to a question of yours as regards the bulk trade. I have shown that the bulk trade absolutely has come into existence since the Act has come into existence, and that the Act makes no provision at all as regards that trade. Now I think I can quote a passage from the report which was made on the loss of the "Tancarville" in 1891. This was an inquiry which was held by Mr. Mansel Jones and myself on the loss of this ship, and in that report we said (page 14 of the Parliamentary Report on the loss of the "Tancarville"): "An examination of the Petroleum Acts, 1871 and 1879, at once discloses that they do not contemplate and fail to deal even incidentally with a class of conveyance, viz., conveyance of petroleum in bulk, which is constantly on the increase. At the time that the former Act was framed conveyance in barrels or cases was exclusively contemplated, and as a matter of fact conveyance in bulk was then practically unknown." And I show in the memorandum at page 25 that whereas in 1888 the bulk figures were 523,660 (that would mean measured with barrels as a unit), in 1889 they had gone up to 1,066,909; and on the other hand the barrel trade in 1889 had fallen from 1,055,305 barrels to 820,543 barrels; and I imagine that it would appear when other witnesses are examined that the bulk trade has still further and very largely increased.

103. What I may infer from your evidence is that in your opinion as the trade develops and the consumption increases, the necessity for regulation increases in the same proportion?—I think it does.

104. Because it is so much more dangerous to aggregate large quantities?—It becomes more dangerous in proportion as it is spread over a greater surface and affects a larger number of places, and is in larger quantities. Now our report on the "Tancarville" went on as follows: "The only Section (4) which confers on harbour authorities any power, even under very restricted conditions, of making bye-laws" (and as showing how restricted they are, I may say that it relates only to vessels going one way and so on) "is extremely narrow in its scope, and fails altogether to touch the question, one as we have shown of paramount importance in the case of tank ships, of the cleansing and ventilation of the vessel after the discharge of the cargo. Indeed, on the discharge of the cargo the powers of harbour authorities, such as they are, become exhausted. But in the case of bulk cargoes it is not until after the discharge of the cargo that the maximum risk is really reached." We made some observations very much of the same character in the case of the loss of the "Lux." That was an English ship lost in the Greek Archipelago conveying oil, and lost with the loss of 20 lives out of 26 persons on board.

Sir *Joseph Crosland.*

105. Was it Russian oil?—I forget what oil it was.

Chairman.

106. Was she a tank ship?—A tank ship.

107. I suppose most of this oil now is imported in tank ships?—There, again, I speak subject to correction by the trade, because I have not had opportunities of following it up, but I imagine that the bulk trade has very much increased, and that is conveyed in tank ships.

108. And in vessels especially constructed for that trade?—They are now especially constructed. In the beginning many of them were old vessels adapted, which were not satisfactory; but a great deal more attention has been paid of late years, particularly since these accidents and the inquiries into these accidents, to the construction of the ships; and I am prepared to believe that the ships are now in a very much better condition; but there is nothing to prevent a bad ship, as far as I know, conveying it.

109. But there are a great number of ships known as petroleum ships built expressly for this purpose, and as a whole admirably fitted for it?—I believe so. There are certain shipbuilding firms that have expressly directed their attention to the building of these ships.

Mr. *Wootton Isaacson.*

110. But there is no law to prevent bad ships?—There is nothing that enables one to deal with these ships at all. Of course, the question of the conveyance of oil does not stop with ships; there is the question of the delivery of the oil in tank-wagons, or the conveyance of the oil in tank-wagons. Well, I am not aware of any power of control with regard to that oil; and I think it is quite clear that a tank-wagon passing through a street if it was not properly constructed might be an extremely dangerous thing; and I think that there should be some provisions in the Act dealing with that; and therefore I say the necessity for amending the Act has increased by reason mainly of these two incidents, the increase in the trade, and the development, or I might almost say the creation of the bulk trade.

Chairman.

111. My next question will be whether you are of opinion that the various defects in the existing law can be remedied with a due regard to the requirements of the trade and of the public?—I believe they can; I feel confident they can.

112. Without hampering the trade?—I think without hampering the trade.

113. Without increasing the price?—I do not think the price need be materially increased through the adoption of reasonable legislative precautions.

114. Regulations?—Regulations.

115. Now, do you wish to give us an opinion as to the provisions of the Bill of 1891, whether, in your opinion, that Bill would accomplish all that is required?—That is my present impression; but of course it does not deal with the two points of lamps and flash-point. But I should very much prefer, with the approval of the Committee, to defer any positive or definite indications as to the line of legislation until I have had an opportunity of hearing, as no doubt we shall hear,

Chairman—continued.

hear, a great deal of other evidence upon the subject.

116. The evidence brought before this Committee, you mean?—The evidence before your Committee.

117. There is no doubt, I suppose, in your opinion, that the enormous development of the trade has been due to the fact that the use of mineral oil has been a great advantage to the public, especially in the rural districts, where they have no other illuminant?—Certainly.

118. And that a cheap supply of mineral oil is an immense boon to the poorer classes of the country?—Yes; I have never lost sight of that fact; I believe it is a most important thing that the price of petroleum should be maintained at a reasonable level, and that it should not become a dear article. Of course, it is called the poor man's light. It is the rich man's light too, and it is used for cooking and all sorts of purposes.

119. By the poor mainly as an illuminant?—I suppose by the poor mainly as an illuminant. There again you will get a good deal of evidence from competent witnesses about that. With regard to the use of it by the poor in the rural districts, the result of the inquiry which I made when I was going round with Mr. Redwood was that in the extreme rural districts, especially in the West of England, the petroleum to which the Act applies, that is to say, the low-test petroleum, the spirit was very largely burnt as an illuminant in sponge lamps and things of that sort. How far that condition may have altered of late years in consequence of the cheapening of the oil I do not know, but I daresay the trade witnesses can speak to that question more confidently.

120. That will be shown by the extent of the importation?—I think so.

121. Have you any other statement you would like to make in your evidence-in-chief to supplement it in any way?—No, I do not think I wish to say anything more than what you have given me an opportunity of stating for the present.

Mr. *Paulton.*

122. I would like to have it definitely from you whether the public interest in your opinion is chiefly concerned in the questions of flash-point and lamps, or in the broader aspects of the subject?—I think the broader aspects of the subject are the things that really concern the public. There are not so many accidents from those causes; but if an accident did happen from the undue accumulation of oil in crowded places it might be of a formidable character. As a rule, a lamp accident is not at all of that character. It may, of course, be a means of establishing a fire, or it may prove fatal to one or more persons in the house; but it will not release a quantity of burning liquid which will go flowing down the streets and setting fire to houses and docks as in the case of the "United" at Bristol, and so on. Therefore, I think that, speaking broadly, the general aspects of the case are more important than the aspect presented in relation to the possible alteration of the flash-point or even the improvement of the lamp, which I look upon as the more important of the two.

Mr. *Paulton*—continued.

123. The inquiries that you made between 1883 and 1888 were made very largely in conjunction with the trade, were they not?—Yes; I could not have made them without the trade; we had no power, we had no right.

124. What I mean is that you were working with the trade on this subject in your inquiries?—Certainly.

125. And during that time you heard little or nothing of the question of flash-point or lamps, I think you said?—Of lamps, I heard from time to time, but with regard to flash-point, I positively cannot recall a single instance of that being pressed upon me.

126. Nor was any suggestion concerning it made with regard to the drafting of the provisions of the Bill of 1891?—No. The trade did make certain proposals in the Bill of 1891 for altering the flash-point of the heavy oils which we intended to exclude altogether; and I should like to show that to the Committee by reference to page 77 of the Memorandum, the lower part of the page. You will see that I give there the draft of the Bill which was laid before the trade, or an outline of the Bill; and in the margin I have given the alterations which on the suggestion of the trade were made; and you will see nearly at the bottom of the page that we altered the flash-point of what we defined as heavy oil; we reduced it from 200 degrees to 150 degrees; and that, as far as I remember, was the only suggestion of the trade as regards an alteration of the flash-point. In that case it was downwards.

127. I do not want to take you at all into the details of the measure, because you have already expressed an opinion that this is not the moment to do so; but speaking generally with regard to the Bill of 1891, it was considered by you I think, and regarded generally by the trade, as favourable to the trade?—It was certainly regarded by me as favourable to the trade, and I believe that some members of the trade so regarded it; but in view of the agitation that was got up against it, I should not like to say now that it was regarded as favourable to the trade.

128. I meant to say it was regarded by a certain section of authoritative opinion as favourable to the trade?—Certainly; when I left the conference with the committee of the trade on the last occasion some expressions were used which lead me to believe, and I went away with the distinct impression, that although there were certain points which we could not agree to and which must be settled ultimately by a Committee of the House, on the whole the trade were not dissatisfied with the Bill as it stood, subject to those modifications; and I must say that I was extremely surprised to find how very determined their objections were when the Bill came forward.

129. In such important particulars, for instance, as those of quantities and distances, the provisions of that Bill compared very favourably from a trade point of view with the regulations existing in all other countries, did they not?—Very favourably indeed. That I think is shown on this memorandum. I can refer the Committee, I think, to the passage I mean.

Mr. *Paulton*—continued.

130. It is at page 26, I think?—Yes. Now, for example, with regard to the scale (I am referring now to page 16), "In France 55 yards is the required distance from a dwelling house for over 3,300 gallons of oil, and in Germany 71·6 yards for over 2,750 gallons of oil and 315 gallons of spirit." Now our table shows that over 150 feet, that would be 50 yards, you might have an unlimited quantity even in barrels; if it was in tank depôts, as we call them (a technical word used to express a thing which is partially sunk in the ground), over 100 feet; and, again, there is no limit if the distance is 50 feet if it is wholly in underground tank depôts. "This scale is subject" (I am on page 13 of the Memorandum) "to the further material modification that where a screen wall intervenes and the distance from 'protected works' is over 50 feet, all limitations of quantity disappear, as also in the case of certain protected works, where the owner gives his consent." And that scale, which we whittled down and trimmed and altered as far as we possibly could, was submitted to Captain Shaw of the London Fire Brigade, who expressed a very strong opinion that we ought not to go any further than that in the direction of reducing the distance.

131. Has not Captain Shaw expressed the opinion that your proposals could be regarded as being favourable on the whole to the trade in those respects?—He did. I think his expression was that it was as far as we ought to go, and quite as far as the trade had any right to expect.

132. Is the Committee to take it from you either with regard to the storage or what I may call the private domestic use of these oils, that in either case the element of danger does not depend upon the question of whether it is high or low-test oil?—No; it does not depend upon that There is no doubt that directly you have any low-test oil present, the risk of an accident, the probability of an accident, is very much increased; but once start your accident, once start your fire, which you may start with a pint of the low-test oil, your high-test oil will behave very much in the same way. Once the fire is started it matters, in my judgment, extremely little what the material is; and indeed so much so that we proposed in the Bill to include a certain number of solid substances which were fusible under the action of fire, such as paraffin wax, for example, when stored in the same place. If it was liable to melt as it was, and become a means of propagating the fire, we proposed to enact that it should reckon as so much petroleum.

133. Is there not, in one respect, a greater danger with regard to high-test oil than low-test, namely, the point up to which it can be heated?—I believe that some witnesses who have studied the question of the use of these oils in lamps will tell you that they believe that the high-test oil is even more dangerous than the low-test. I think you will find that, and indeed I think that the Committee will find some expression of that sort of opinion in that report from Sir Frederick Abel on lamp accidents, of which I think you have got copies; but I cannot speak on that point from my own knowledge, because I have not made the experiments.

Mr. *Paulton*—continued.

134. And generally the defects in the existing legislation you think are met, or were intended to be met, by the provisions of the Bill of 1891?—Yes, I still think so; but I have asked permission to suspend any definite expression of opinion until later on.

Mr. *Wootton Isaacson.*

135. May I ask you whether the flash-point is allowed to be reduced without a penalty?—There is no penalty exactly; it is not a question of penalty. The effect of the flash-point is not to prohibit the oil, but to bring it or not to bring it within the controlling provisions of the Act.

136. But the explosive character of the oil is increased by the reducing of the flash-point?—Yes; but so long as you are over 73° Fahrenheit you may do what you like.

137. But there is no law to prevent your using an oil of a greater explosive power than 73°?—It is hardly that. There is no law which forbids your using oil or spirit which flashes at zero; only if it does flash at zero or flashes under 73°, it is subject to certain legal disabilities; that is all. There is nothing to prohibit your using it; on the contrary, it is largely used in sponge lamps.

138. Have the trade made any suggestion of the alteration of the flash-point from the Abel test and 73°; they were satisfied with it, were they not?—I have always believed that they were perfectly satisfied with the Abel test, and it was about two years ago that I first heard that a certain section of the trade wanted the flash-p int raised.

139. And the Abel test is equal to the former test of 100°?—Yes. I have no doubt that Sir Frederick Abel, if he appears here, will be able to defend the substitution of 73° for 100°; but the papers which I have handed in to-day will show the Committee the great pains that were taken to arrive at that conclusion; and I must say, having had to advise the Secretary of State with reference to it at the time, I did consider, and do consider now, that it was a very fair equivalent.

140. Now, in a densely-populated place like London, with 5,000,000 of inhabitants, do you consider the existing law a very defective law for the storage of petroleum?—I consider it lamentably defective.

141. And more especially in districts of London which teem with population like the East End of London?—Yes; the thicker the population the more serious the risks resulting from large accumulations of this inflammable liquid.

142. Now, in the course of your experience, did you not find that in some of these densely-populated neighbourhoods there were small tradesmen who kept a very large amount of petroleum without any protection whatever for the safety of the public?—That is so; and some of those places I have signalised in the Memorandum at page 72. There you will find a number of those places signalised, and particularly in regard to the absence of any provisions against outflow. The provisions against outflow ran, you may say, all through the Bill of 1891, arrangements

Mr. *Wootton Isaacson*—continued.

ments against outflow. I mean there have been cases where the stuff has escaped and flowed down the street; and it sets fire to everything; water does not put it out, water only conveys it, it being lighter than water.

143. Take, for instance, a quantity of petroleum stored in a back room, and a constant dripping of the tap saturating the floor, and a man going in there with a light at any time; would not that be liable to explosion?—Certainly, if there was any low test petroleum it would; and even with the higher test petroleum you would not be altogether free from that, because there is always a certain evaporation.

144. People in such a case would be living under a daily risk of serious danger?—I think so; and I think that is illustrated by an accident which I should like to refer the Committee to as a case in point. This was an accident which happened on the 26th of January 1893, at 23, Tower-street, Lambeth. It was oil, no spirit; "A fire which resulted in the death of a woman and her two children broke out on the premises occupied by a man named Cox, who used the front portion on the ground floor as a small 'general shop.' He sold petroleum, which he stored in a single barrel under the staircase. This barrel, which stood on end, had a defective bung, and the oil leaking out had saturated the floor, and the litter thereon. Cox took a lighted candle to discover the source of the leakage, and dropped the candle, a blaze was soon established; attempting to extinguish the flames with a pail of water, only made matters worse by spreading the flames further (and he himself was somewhat burned in the attempt). A friend who was assisting him managed to capsize the barrel (which contained about 20 gallons); the flames cut off the egress of the inmates upstairs, some of whom, however, were rescued by the fire brigade. The Coroner's jury returned a verdict of accidental death, and added a rider unanimously agreeing that there ought to be supervision and control over the storage of this petroleum oil in all of this kind of general shops." That illustrates the sort of case you refer to.

145. I come to another character of danger, on which I should like to ask you a question, and that is the conveyance of petroleum in bulk in barges on the canals?—In bulk you say?

146. Or in barrels. Can you give the Committee any idea of the number of barrels which barges will hold?—No, I cannot.

147. It is a considerable number—100 barrels?—That a barge will hold? I should think at least twice that.

148. Is it not the fact that these barges are moored at certain times of the tide for purposes of meals alongside sometimes a very populous district where they pass through, and these men are to be seen seated round the boat smoking their pipes, notwithstanding this very dangerous cargo?—I cannot say that I have ever seen it myself, but I am quite prepared to believe it.

149. There is no law to prevent it?—There is no general law to prevent it.

150. And you consider it highly dangerous to the metropolis that such a state of things should

Mr. *Wootton Isaacson*—continued.

exist?—Yes, certainly. I am not sure that that particular point is not mentioned in the Memorandum. Yes, this is in the Report from Birmingham which I have referred to, and which I have suggested is a very important contribution to the subject. This is at page 93 of the Memorandum: "The largest stores in the city are those of Messrs. Fox & Co., Commercial-street, who are licensed to keep 10,000 gallons benzoline in one store, and permitted to keep in an adjoining store 32,000 gallons common petroleum. There are generally large quantities of common petroleum left upon the wharf adjoining stores whilst unloading from boats; this being an open yard, we consider, in some degree, a source of danger, as sparks from chimneys are likely to fall between the saturated or leaky casks and fire them. In case of the casks bursting, the oil would flow into the canal on one side and down Commercial-street on the other."

151. And in a city like London, with a population of five millions, and the Regent's Canal surrounded by houses in every way, these dangers would even be greater than in Birmingham?—I think they would. In my opinion, the state of things is most unsatisfactory.

152. May I ask what law exists at the present moment with regard to the use of lamps?—None.

153. None whatever?—None whatever.

154. Any lamp can be used?—And sold.

155. And sold, without regard to any provisions of the law?—Yes. An attempt has been made partly by the London County Council (I may say principally by the London County Council) to bring under the notice of the lamp makers and others the necessity for certain precautions, and I believe that a great deal of good has been done in that direction; but I think the witnesses, or a witness, from the London County Council, who has especially investigated this subject, will tell you that the sale of dangerous lamps is still a very considerable one.

156. I think a man may burn petroleum in any way he likes, regardless of lamps?—Yes; there is no sort of approach to legislation on that question.

157. I saw, the other day, a flower-pot saucer full of petroleum, with a floating wick; it was being used in a shop; it was burning the greater part of the day, and was used as a matter of business; I thought it highly dangerous?—That certainly would not be a very safe sort of lamp.

158. You stated just now that the suggestion came from Scotland, some two years ago, to raise the flash-point; may I ask whether you can give us any information as to the conditions under which that suggestion was made?—I have not got the papers here; but, trusting as far as I may to my recollection, I think the gentleman who wrote to me on the subject was Mr. Steuart. I think Mr. Steuart wrote two or three letters on the subject, and I think also he was anxious that I should understand, and asked me to understand, that he did not write in his official capacity, which I think is that of chemist or adviser in some way to some oil company in Scotland (I say all this subject, really, to correction),

Mr. *Wootton Isaacson*—continued.

tion), but that he desired it should be understood that he, in his personal capacity, thought it right to bring these matter strongly before us.

159. Did he give any other reasons?—No. I think the substance of his representation was that these accidents with lamps were due to the low-test flash-points only; that the flash-point ought to be raised.

160. And he gave it as his opinion that if the flash point was raised the accidents would be limited:—I think that that was undoubtedly the conclusion which he was aiming at establishing.

161. And did you agree with him in that?—I did not really go into the question because I was satisfied, for the time, at any rate, with the representations which Sir Frederick Abel had made to us upon the subject, and I was more or less advised by him.

162. May I ask you whether there is any law to compel dealers to take out a licence?—There is a law which says that they shall do so; but there is nobody to compel those who are responsible for seeing that they do it.

163. Not the County Council even?—I suppose you could get a *mandamus*; I do not know any other process.

164. You told us that in Dublin there were only 143 licences taken out out of 5,949 dealers?—That was taken from the report of the Irish Government as the result of the inquiries made. Things may be very different now; that is merely an illustration.

165. That is not even 5 per cent?—That shows a general non-observance of the law.

166. May I ask if that is the state of things in London?—I do not think so. The London County Council, so far as my knowledge goes, are very careful indeed about the enforcing of the law so far as their powers permit.

167. Will you tell the Committee whether there is any charge, and what, made for a licence?—I think they are only entitled to charge a shilling; I am not sure that there is any charge at all. We inserted a charge in the Bill. (*The Witness referred to the Act.*) Yes, "There may be charged in respect of each licence granted in pursuance of this Act such sum not exceeding five shillings as the local authority may think fit to charge."

Mr. *F. C. Frye.*

168. There is no licence required for selling petroleum?—No, that is to say petroleum oil.

169. What about methylated spirit?—That would not come under the Act at all.

Chairman.

170. To whom is that five shillings payable?—That is for the storage licence; that is payable to the local authority.

Mr. *Wootton Isaacson.*

171. And the hawker pays no licence?—I think the Act is quite silent on that point. I do not think it lays down any sum that is to be paid.

172. Can you tell me whether there are any specially constructed waggons for the hawking of petroleum about the streets?—Yes, there are; there is more than one; but there is one very important company; the Anglo-American Oil Company, who have a great number of waggons for delivering the stuff from door to door. Of course they are not hawking, I imagine, in the ordinary sense of the word; they are simply delivering.

Mr. *Wootton Isaacson*—continued.

173. But the common hawker, in the ordinary sense of the word, is he compelled to have a specially constructed cart or waggon?—Only to the extent which is indicated by the Act that "the petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage," and that "the carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce an explosive mixture;" and then it goes on in the 5th sub-section to say, "the carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise." To that extent.

Mr. *Jacks.*

174. I understand that you would not care to commit yourself upon any details of flash-point?—No, not at present.

175. You told us that under the old open test, 100° was the flash-point?—Yes.

176. Then, in 1872 a new close test was applied somewhat reduced?—A close test was proposed in the Bill of 1872, but it never got to being law.

177. Then by Sir Frederick Abel's test it was reduced to 73. Now the question I want to put is this: Having regard to the uncertainty of the other test could you suggest to the Committee any data on which they arrived at a certain 73° from an uncertain 100°?—I think that was done by a large number of experiments carried out by the two tests; you will get that from Sir Frederick Abel; but you also have it here; every single test is set down.

178. Then the Chairman put the following question to you: "Was the commotion or movement for a rise of the flash-point coincident with the fall in American prices?"—I said I did not know.

179. You said you did not know. Now if, it was suggested to you that as the quantity of low class oil from Russia and America increased, the accidents increased, and that the movement was caused by a desire to prevent the use of petroleum altogether, would you be prepared to say that it was not a reasonable suggestion?—If I was told that that was a fact I should say it might be a reasonable suggestion; but I should not like to commit myself to saying it would be an effective suggestion.

180. You do not know Mr. D. R. Steuart who wrote to you?—I do not know that I have ever had the pleasure of meeting him.

181. By reputation you do not know him?—No.

182. I may say that he is one of the leading writers in the scientific papers of the day. Then on page 11 of the Memorandum you gave a very interesting

Mr. *Jacks*—continued.

interesting detail of the visits which you paid?—Yes.

183. I do not see that among the countries you visited on the Continent you give Russia?—No, I do not think I was authorised to go as far as Russia.

184. You know that Russia is one of the largest producers now?—Yes; I think at that time the Russian trade had not attained anything like the importance it has now. That was in 1883.

185. With regard to the ship accidents which you were good enough to give us information about in your examination in chief, did you take any notice of the quality of the oil with which they were loaded?—Yes, we had evidence upon that point from experts.

186. Can you say from memory whether it was American, Russian, or Scotch?—No; but I can probably say by reference to the actual report itself. Of course the evidence is not with these reports. Are you speaking of the "Lux?"

187. Of all the ships; of any of the ships?—I think in every case we state what the oil was. Here it is. This is the case of the "Lux" at page 19 of the Report under the heading of "Cargo." "The cargo consisted of clean and refined petroleum oil in bulk, with a specific gravity of ·8247 at 17½°C. The flashing-point, close test of this petroleum is 32°C. (= 89·6 Fahrenheit)".

188. The question I asked you was whether it was American or Russian?—I think it was Russian because I see Batoum comes in. "In September 1891 she brought a cargo of 2,241 tons of refined petroleum oil from Batoum to London, and in October another cargo of 2,207 tons, also from Batoum to Venice." So no doubt it was Russian.

189. So that in point of fact every one of those ships was loaded either with Russian or American oil?—I think it is quite possible, but I cannot assent to that without looking right through them.

190. Will you go so far as to say that not one of them was loaded with Scotch oil?—I cannot say.

191. Now coming to the land accidents, have you any record of the oil that caused them, I mean the oil that initiated the accident, not that helped it on?—If you take the accident at Beckett's Wharf, I imagine that was probably (but I really must not commit myself to the statement; I believe it was) American oil. Then in the case of North Wall, Dublin, I cannot say whether it was American or not, because a good deal of Scotch oil goes to Dublin, and I should think that probably there was some involved in it.

192. That was not voluntary combustion, so to speak?—No; I do not think any of them have been that.

193. If a Scotch maker or oilman was to say that in no case has an accident been initiated by Scotch paraffin oil, you have no evidence that could disprove it?—Well, I should say that I should have to ask for considerable time to look into that before I can answer it. I should have to go through (and even then my information would be very imperfect) the whole of these accidents; but I think it is quite probable that some of the traders who have taken notes of these accidents much more fully than I hav may be able to answer that question.

Mr. *Jacks*—continued.

194. You said that a tank waggon passing through the streets was a source of very great danger?—That it might be a source of very great danger. I do not believe it is a source of danger with such waggons as the Anglo-American Oil Company use.

195. Do you think that the danger would be greatly diminished if it was high-class instead of low-class oil with which the waggon is loaded?—You mean by high-class above what?

196. Above 100°?—I think it is an artificial temperature in either case. I do not really think it very much matters. We know accidents have happened with very high-test oils. The burning of that ship at Grays happened with an oil of 140° flash-point.

197. But these are accidents that would happen in the same way if the ship or the stores were loaded with pitch?—They might.

198. Do you know that in America the authorities, with the exception of one State, prevent the use of any oil under 100° to 105°?—I do not think that was the result of my experience. For example, take Georgia; there it is 110° flash-point open test; it certainly would be less than 100° in the Abel test.

Chairman.

199. That would be 73° Abel test?—It would be something over 73°. I cannot calculate it out, an expert must do that; but I have no doubt that members of the petroleum trade could tell you what 110° flash-point in this or that thing represents; but I am fully sure that it is not always above 100°.

Mr. *Jacks.*

200. If I were to say to you that oil is prevented being used in the United States, except in two States, under 100° to 105°, you have not evidence to disprove it?—I do not know that I have.

Chairman.

201. Is not the flash-point regulated somewhat according to the prevailing temperature of the country?—That, no doubt, is so. Now Germany uses an immense deal of oil, and they have a lower flash-point than we have, I think about 3° or 4° lower.

Mr. *Alexander Cross.*

202. Under 73°?—Under 73°.

Mr. *Jacks.*

203. Is there not a prohibition in one of the Acts (I am not quite sure what the date is) that in all Government offices no oil shall be used under 105°?—I do not know. We do not use any in the Home Office that I am aware of, and the question has never really come before me, so I cannot give you that information.

Friday, 20th July 1894.

MEMBERS PRESENT:

Sir Joseph Crosland.	Mr. Wootton Isaacson.
Mr. Alexander Cross.	Mr. Mundella.
Mr. F. C. Frye.	Colonel Palmer.
Mr. Graham.	Mr. Paulton.
Captain Hope.	Sir Henry Roscoe.

THE RIGHT HONOURABLE A. J. MUNDELLA IN THE CHAIR.

Colonel VIVIAN D. MAJENDIE, C.B., re-called; and further Examined.

Captain *Hope.*

204. I THINK you said last Friday that practically the general aspect of the question, conveyance and storage, was more important in your opinion than the flash-point and the question of lamps?—Yes.

205. But yet I think you are prepared to admit that the lamp accidents are very numerous?—I fully admit the necessity of legislation on the subject of lamps.

206. Are you aware that in Scotland, where Scotch oil has been mostly in use, there have been hitherto very few fires or lamp accidents?—No, I have no statistics of lamp accidents; I have only a general knowledge derived from newspapers, and from those who have given to the subject a larger study. As I stated at the commencement of my evidence last week no reports are made to the Home Office of accidents of any sort in relation to petroleum.

Chairman.

207. No returns of fires?—No returns whatever.

Captain *Hope.*

208. So that any opinion expressed as to accidents or fires must be speculative?—To a great extent speculative. I have concerned myself in collecting particulars of the more important accidents which are contained in the Return which I placed before the Committee; but these are by no means exhaustive, and I cannot pledge myself with regard to them. Of lamp accidents it has been quite impossible for me to attempt to take any sort of statistical note.

209. But apart from statistical information, do you derive from more public sources of information anything that would enable you to form an opinion?—I do not indeed.

210. Neither as to Scotland nor as to Ireland?—No; I have not distinguished in one case as against the other case at all. I should say that, on the whole, my information with reference to lamp accidents has been chiefly concerned with the London accidents, because I have been more in contact with the London County Council, who have taken a great deal of trouble and a great deal of practical interest in this particular branch of the subject.

Captain *Hope*—continued.

211. When you were making your inquiries in America, did you go into the question of the frequency of lamp accidents?—Not lamp accidents I think at all.

212. Nor any inquiry as to what the scientific opinion in America was on that subject?—No; beyond getting the particulars which I have given in that memorandum, of the regulations affecting oils in the different States, which are very various and point to great variety of opinion.

213. Did you in the course of those inquiries obtain any information in regard to the arrangements in the State of Michigan?—Will you allow me to refer to my memorandum? I believe I got it from every State. (*The Witness referred.*) Yes, I find at page 63 of the memorandum some particulars, largely of a negative character, in regard to the legislation in the State of Michigan; that State and two other States, Ohio and Indiana, I have stated have 120° flash open-test or Foster cup, Michigan cup and Indiana cup; the same flash-point, and then after that come these words: "These States have no law relating to the storage of petroleum products."

214. But in the State of Michigan they had instituted a high standard of flash?—They had what appears to be a high standard; they had 120° flash-point with a Michigan cup, but what the particular details of the cup are I do not know.

Chairman.

215. While you are on American legislation, let me ask you this question: are you aware that State regulations in America are very imperfectly enforced?—Yes, that certainly was one very decided result of my inquiry.

Captain *Hope.*

216. What I wanted to ask you in regard to this, if I may, was whether it appears, or whether you obtained any information to the effect that after the State of Michigan had adopted a high standard, which I believe was about the year 1879——?—I think it was 1879.

217. That

Captain *Hope*—continued.

217. That after that there was almost a cessation of lamp accidents?—That I do not know.

218. Then you do not know either whether in 1891 there was a reduction of the standard, and whether the result was an increase of accidents?—No; I have not had any information at all since the time when I made these inquiries; I have not followed it up in America at all since then.

219. Can you tell the Committee whether there have been really many or only very few fires and lamp accidents during the last 30 years which have been distinctly attributable to high-test oil?—Yes, I think there have been several considerable fires which have been attributable to high-test oil. The memorandum which I handed in the other day, which I have here, and which, as I desire again to emphatically explain, makes no pretence to completeness, does show a considerable number of accidents where no low-test oil was present; in many cases oils of other character besides mineral oil; but those were included for a purpose which will presently, perhaps, appear; but "oil" is the entry constantly; "spirit," I call it wherever it is the low-test.

Chairman.

220. Did you not tell us something the other day about the fire at Lord Romilly's house, which resulted in his death?—Yes, I adverted to the fire, because I mentioned what I believe was the flash-point of the oil which caused the accident which resulted in Lord Romilly's death. I believe there were two accidents at Lord Romilly's; but I fancy that on that point the representative of the London County Council will be able to give the Committee very full and detailed information.

221. Before you leave America, is it not a notorious fact that Chicago was burnt down through the upsetting of a petroleum lamp?—It has always been so understood, and I have never heard it really contradicted; but what the particular oil was, or petroleum was, I do not know; but we have had very serious accidents with petroleum oil; for example, the Abergele accident, which caused great loss of life; and there are others in those ships. I adverted to the "Lux" the other day; that was entirely an oil-fire; rather a high flash-point oil, 86°; and, as I say, if the Committee care to refer to this "Return of Accidents" more particularly, these are distinguished, as far as I have been able, with the information at my command to distinguish them, into spirit fires and oil fires, the spirit fires being fires of the material to which the Act applies, the oil fires being fires of the material to which the Act does not apply.

Captain *Hope.*

222. In the case of Lord Romilly's accident, which has been referred to, can you tell the Committee whether Mr. Fox, the Secretary to the Petroleum Association, sent to the Home Office a document with experiments contesting the assertion that high-test and low-test oils were equally safe or unsafe?—I do not recall it. I will cause inquiries to be made; it is not a paper

Captain *Hope*—continued.

that has come under my notice, or at any rate one that has made any impression on my mind. I should not like to say that he did not send anything of that sort; probably he did; but I cannot recall it and do not remember what it was. Was that after Lord Romilly's accident?

223. It was after Lord Romilly's accident; then in regard to what you said the other day about the Bill of 1891, I think you expressed the opinion that that Bill would not have seriously hampered the trade?—That was my opinion and is my opinion.

224. But yet there were regulations contained in it which would have affected every oil shop in the Kingdom, were there not?—I do not think as injuriously as was represented.

225. The regulations as to conveyance would have made necessary the getting of new trucks and carriages for the traffic, would they not?—No, I do not know that they would. I do not think the regulations, for example, as regards bulk storage would have gone beyond what the Anglo-American Oil Company have themselves effected voluntarily, and I presume with regard to the commercial consequences of their adoption.

226. But surely if stringent regulations were made to cause both the conveyance by railway and conveyance by ship to be under new and somewhat changed conditions from what they have been hitherto, that would have involved a great deal of expense which must have fallen upon the trade, would it not?—I do not think that the increase of cost, so far as the consumer was concerned, would have been appreciable.

227. But so far as the producer was concerned?—I do not think that the regulations contemplated anything of a specially extravagant or expensive character; they did not go beyond what in my judgment is necessary for the public safety; and I think that that consideration must in a matter of that sort, or should in a matter of that sort, be paramount.

228. Would the regulations of your Bill of 1891 have affected every description of oil, including the Scotch oil?—Certainly it would have affected or included within its provisions all spirit and oil except what we called and defined as heavy oil, which was a class of oil having a specific gravity of 840 and a flash-point of not less than 150°. That was the oil which was to be not included, but everything up to that was to be included.

Chairman.

229. That was the definition of heavy oil in the Bill of 1891?—That is so.

Captain *Hope.*

230. Is it not a fact as the result of that, that the Bill of 1891 applied to a great deal that the earlier Acts did not apply to?—It did; but it did not apply to anything that the Bill of 1883 did not apply to; and the Bill of 1891 was discussed with the trade in 1888; and neither in 1883 nor 1888 was any representation made in favour of the raising of the flashing-point or as against the inclusion of the Scotch oil.

231. In connection with a question put to you

Captain *Hope*—continued.

the other day, I should like to ask you this: Are you aware of the circumstance that the War Department requires a higher flash-point of oil than that which is provided under the Acts as being a safe flash-point, 73°?—No, I am not aware of that. I have heard that, but we have never been consulted, and I have no official knowledge whatever of it. I do not doubt it, but I do not affirm it.

Sir *Henry Roscoe.*

232. At Question No. 59, after you had stated that you understood Captain Shaw to mean that the fires mentioned in the list which he gave you were fires which either would not have occurred or would not have been of such a formidable character if it had not been for the presence of mineral oil, the Chairman put this question to you: "But not necessarily originated by the mineral oil," and your answer was: "No; and that is a point which later on, when dealing with legislation, I shall show is of great importance"?—Yes.

233. Have you already dealt with that point?—No, I have not, because I have not dealt yet with the recommendations which I should be disposed to submit to the Committee in regard to future legislation.

234. You still propose to do so?—With the approval of the Committee, I should propose at some later period, if the Committee think it will assist them in any way, to deal with that point; but I think it would be premature to deal with it at present in the absence of the further information and evidence which I presume will be forthcoming.

235. Then, in answer to another question by the Chairman, Question No. 65, you say that "on the Continent they are very much in advance of ourselves"?—Yes.

236. "Also, I may say, generally, that on the Continent they are very much in advance of ourselves in regard to the precautions adopted for the controlling of the storage of mineral oils. Indeed, so far as I know, this is the only country where mineral oil is not controlled, mineral oil as distinguished from petroleum, to which this Act applies, to which it would perhaps be convenient that I should, once for all, give the name of spirit, as being a more volatile substance"?—Yes.

237. Then I understand that on the Continent the precautions adopted for the safety of spirit are of a different character from those that we adopt in this country?—I do not say for the storage of spirit. I should say that with regard to the storage of spirit perhaps in some countries they are a little more stringent; but, with regard to the storage of oil, very much more stringent; because, speaking broadly, I believe I am correct in saying that at the time when our inquiries were made we did not find a single country that did not put some form of licence or permission upon mineral oil; whereas in this country no licence or permission is required to store any quantity of it.

238. Am I correct in stating that the storage of the spirit comes under the Petroleum Act?—Yes, it does, and of spirit only.

239. Then, so far as the spirit is concerned, are

Sir *Henry Roscoe*—continued.

you of opinion that the regulations at present in force are sufficient?—No, I am not.

240. Then in what respect do you desire to see an alteration?—In several respects.

241. Is this anticipating what you are about to say?—I will endeavour to answer the question without anticipating it by a reference to an answer which I gave to Question No. 91. Before that, at Question No. 78, the Chairman asked me what were in my judgment "the principal defects in the existing law relating to petroleum"; and at some length I indicated what I regarded as the principal defects. I think I showed that even as regards spirit those defects existed. That is one of my points; that even if nothing was done with regard to mineral oil the law is in an unsatisfactory condition, even in regard to that substance which the Legislature has decided to regulate.

242. I will call your attention to Question 71 and the answer you gave. The question is, "Have the representations to which you have referred had reference to the flash-points of the oil, and to the necessity for dealing with dangerous lamps, or have they been rather of a general character"; and you say: "They have been of a general character chiefly." And you state this: "I believe that no representations, or none at any rate of any very considerable importance, were made to us as regards the flash-points until about a couple of years ago"?—Yes.

243. Now, what I want to ask you is whether any such have been made to you since that time; I suppose you would say since the year 1892?—I think I can give you the date to-day when the first representations were made. Yes, it was in the course of 1892.

244. Then I will ask you whether you have explained to the Committee already (I cannot quite find it) what representations have been made to you with reference to the flash-point since that date?—They have been representations proceeding from some members, or gentlemen interested in the Scotch trade. The chief representations I think were made (or at least the most energetic) by a Mr. Steuart; though I believe he writes in his private capacity (as I understand); he dates from the Broxbourne Oil Company, Broxbourne.

245. A question was asked you with regard to Mr. Steuart on the last occasion by an honourable Member?—Yes.

246. Is that the only representation you have had made to you or that has come to your notice?—There was a paper forwarded to us, emanating from, I do not know whether the Scotch trade collectively, or from a particular representative of the Scotch trade, but a paper did reach us addressed to the then Prime Minister, Mr. Gladstone, and it was forwarded on to out department; and so far as I can recall those are the only representations we have had. No, I must correct that; the corporation of Birmingham a few weeks ago made a representation on the subject.

247. To what effect?—To the effect that the flash-point should be raised.

248. And I presume that the other representations

Sir *Henry Roscoe*—continued.

tions that you have referred to were also to that same effect?—Yes, those are the ones I wish to refer to now.

249. Did they in any case name a limit or suggest any other temperature which should be employed instead of 73° with the close Abel test?—I have got an impression in my mind which I cannot confirm without referring definitely to the papers, but I think 100° Fahrenheit has been mentioned more than once as the point to which it was desired that the flash-point should be raised.

250. A return, in fact, to the old temperature of the open test?—Returning in the Abel test to the old temperature of the open test.

251. Have you, from your experience, any opinion to give us with reference to the danger, when the temperature in summer in this country happens to be above 73°, as it no doubt often is, of the flash-point being fixed at that temperature?—Of course, if that was the flash-point in an open test, there would be a great deal to be said on that subject; but having regard to the fact that it is an artificial flash-point, if I may say so, created by the gradual accumulation of vapour in a closed vessel, I do not think that any anxiety need be experienced in reference to the fact that the figure is 73°, whereas the temperature of the air may rise above 73°. Oil in barrel will not be giving off its vapour at those temperatures; it is only when oil is put into a cup and tested in this particular way that you get this flash-point of 73°. The original flash-point was 100°; and 73° represents, as near as experiments could be made to show, the equivalent of 100°.

252. In order that I may be sure that I understand what you mean, I will put this question: Supposing a barrel of petroleum in which the close flash-point is 73°, exposed to a temperature above 73°; that is to say, 83°, if the bung or the cork were opened, or if the vessel were in some way partially opened, do you think that then there would be a danger of fire?—No, I do not, not an exceptional risk. There always is a risk of fire from petroleum.

253. By the instructions which we have received, we have to inquire not only as to petroleum but "other inflammable liquids," and I see that the Act of 1891 included bisulphide of carbon?—Yes.

254. Have you any experience with regard to that particular, as you know, very inflammable liquid?—I have only the general knowledge that the material is of an extraordinarily and exceptionally inflammable character, and I do think that it is a substance which should be specially dealt with in the same way as petroleum spirit is dealt with.

255. But it is not dealt with at the present time?—No, not at all; there is no regulation at all with regard to bisulphide of carbon.

256. It is used in very large quantities, is it not?—I believe it is. I must confess that I have not prosecuted any very extensive inquiries into that subject, because it seemed to me that the very name bisulphide of carbon and its known character would almost go to show the necessity for legislation with reference to it.

257. You are aware that the point of inflamma-

Sir *Henry Roscoe*—continued.

tion of the vapour of this substance is an extremely low temperature?—Extremely low.

258. And therefore if it is desirable to legislate with reference to less inflammable liquids, it is all the more necessary that something should be done with reference to this one?—It seems to me illogical to legislate with regard to the most inflammable descriptions of petroleum and to leave bisulphide of carbon out.

259. Then also let me take another subject, common ether, or sulphuric ether as it is commonly called; do you know whether there are any conditions for the storage of this most inflammable liquid?—I believe not, unless it comes under the Inland Revenue; I am not sure whether they regulate it to any extent.

260. It has not come under your special notice?—It has not.

261. And are there any other highly volatile liquids used in trade and manufacture which you could mention beside these two?—Of course there was a question originally in the 1883 Bill of including turpentine; but on careful consideration of the whole question I determined that it was not necessary to advise the Secretary of State to include turpentine, but to leave it to be dealt with as an inflammable liquid, if it was stored in the same depôt or place as petroleum. That was one of the features of the Bill of 1891.

262. Does the Bill of 1891 include bisulphide of carbon?—Yes.

263. And are, in your opinion, the proposals which are contained in the Bill with respect to that material satisfactory or otherwise?—Yes, because we left bisulphide of carbon, as we proposed to leave petroleum spirit, to be dealt with entirely by license. There were just certain general statutory regulations, but the material point was that each case was to be considered on its merits, and the storage regulated by the licensing authority.

264. And unless ether is dealt with as you suggested that it possibly might be under the Inland Revenue, would you propose to include ether also?—I should not like to answer that question straight off; I think it would be a matter for consideration.

265. Could you get information as to whether ether, chloroform for example, and any other inflammable liquids are dealt with by the Inland Revenue?—I do not think chloroform would be. I could no doubt obtain that information for you. May I refer to an answer which I gave just now. This was the point which I wanted to make clear. In the Bill of 1891 provision was made in Clause 15 (on page 13) that, "Where any highly combustible goods, as defined by this Act, are kept in any depôt, whether on registered or licensed premises, together with any inflammable liquid, the provisions of this Act shall apply to the depôt and the contents thereof as if the whole of the contents thereof were inflammable liquid to which this Act applies; and where any such goods comprise any solid substance, each hundredweight of such solid substance shall be reckoned as equivalent to 12 gallons of inflammable liquid, and so in like proportion for any fraction." The interpretation of

Sir *Henry Roscoe*—continued.

"highly combustible goods" is contained in the Definition Clause No. 59, on page 39, line 4: "The expression 'highly combustible goods' means any oil, spirit, or other liquid of an inflammable character (not being inflammable liquid to which this Act applies), or any resin, tallow, paraffin wax, or other solid substance of like character." So that those substances would come under control if they were kept in the same place as petroleum itself; and in that respect we were following a provision in the German law, which I should like to refer to. That provision was based upon this, which appeared to me to be a very reasonable view: "1st. When spirit is kept with oil (or other inflammable liquids), or separated therefrom by partitions not constructed throughout of fireproof materials, and free from openings, the regulations for unlimited quantities, warehouses, and wholesale and retail, applicable to spirit, will apply to the whole. 2nd. Where oil is kept with other inflammable liquids, or separated therefrom by partitions not constructed throughout of fireproof materials, or free from opening, the regulations for unlimited quantities, warehouses, and wholesale and retail, applicable to oils, will apply to the whole." That is at page 47 of the memorandum.

Mr. *F. C. Frye.*

266. You have explained to the Committee that it is only in cases of appeal from the decision of the local authority that the Home Office has any *locus standi* in reference to the Petroleum Acts?—Yes.

267. If that is so, will you kindly inform the Committee why it is that Her Majesty's inspectors of explosives have made it a practice for many years to include a description of petroleum fires occurring in this country and abroad in their annual reports?—Because we have all along had in view the probability of legislation upon this subject, and it has been, to a certain extent, voluntarily that we have collected these details; and having collected them in some instances, we thought that it would be useful that the trade and the world at large should benefit by the lessons which they were calculated to afford. That is the only reason that we have included it as we include a great many other things in our reports.

268. You have referred to the Bill of 1883; was that Bill drafted on the basis of your suggestion?—Yes, the Bill of 1883 was drafted at my suggestion, but before I had had an opportunity of seeing the various places which we visited between 1883 and 1888.

269. And that Bill was referred to a Select Committee of the House of Lords?—It was referred to a Select Committee of the House of Lords.

270. And did not a number of trade witnesses give evidence to the effect that the measure was, in their opinion, unworkable, with their reasons for that opinion?—Yes, a good many members of the trade gave that opinion.

271. Were the Metropolitan Board of Works not satisfied with it?—I do not remember whether the Metropolitan Board of Works expressed a definite opinion against the Bill; I believe they thought that it would be impracticable to effect the whole of the regulation by means of registration which was the essential feature of that Bill, as distinguished from licensing *and* registration.

Mr. *F. C. Frye*—continued.

272. Did not the Select Committee, to a great extent, endorse the opinion expressed by the trade, expressing themselves to the effect that: "They think, therefore, that the evidence they have collected will enable the Home Office to frame such a Bill (as may be deemed necessary) in the early part of next Session, which will meet the views of the witnesses and provide for the safety of the public"?—I believe that is substantially the decision of the Select Committee of the House of Lords.

273. Does not that clearly indicate that, in the opinion of the Select Committee, it was quite possible to provide adequately for the safety of the public without injuring the trade?—Yes.

274. Are you of opinion that the Bill of 1891, to which the trade had such serious objection, did "meet the views of the witnesses" examined before the House of Lords Committee?—No; it met some of their objections, but not all.

275. Were not the trade anxious that you should visit the principal centres of distribution after the inquiry of 1883, in order that you might fully inform yourself as to the limits beyond which regulation and restriction could not be carried without seriously hampering the trade and greatly inconveniencing the public?—Yes, they were very anxious.

276. Is it not the fact that the changes which have been made in the conduct of the trade during recent years have largely minimised any risk formerly existing?—Yes, I believe that to be the case; and I believe that the inquiries which have been conducted, and the shadow of impending legislation, have effected a great deal in that way.

277. Can you inform the Committee whether any railway or canal company is under a legal obligation to carry petroleum?—I think they are not under a legal obligation to carry petroleum; but I hope you will not take that as authoritative, although that is my impression.

Chairman.

278. That had better come from the Board of Trade?—Yes.

Mr. *F. C. Frye.*

279. You do not know on what terms they carry it?—No.

280. Is it not the fact that the fire which occurred in 1889 on the Great Northern Railway is attributed to mineral oil, whereas it really occurred with mineral naphtha, which is already under legal control?—I have attributed it to spirit, to petroleum to which the Act applies, and not to oil. But I think I know what that question arises from. When I handed this list in the other day, I saw that some errors had been detected and corrected. In the memorandum it was originally given as oil. That was wrong; it was spirit, and it is so stated in my corrected edition of the accidents, which I have handed in.

281. Could

Sir *Henry Roscoe.*

281. Could we alter that in the memorandum?—By all means; there are other alterations besides. I have ventured to suggest that this (*producing a Return*), which contains a great deal more information with reference to accidents up from the end of 1890 to the end of 1893, would ultimately find a place in the Appendix to this Committee's Report. That is, of course, a matter for the decision of the Committee.

Chairman.

282. You put it in, do you?—I do, for what it is worth. (*The same was handed in.*)

Sir *Henry Roscoe.*

283. Will you put in any corrections that have to be made in the memorandum?—They are all made in this. This list which I am putting in of accidents gives the Appendix to the memorandum which gave the accidents, *plus* a number of further accidents which we have noticed at different times.

Mr. *Wootton Isaacson.*

284. With the cause of the accident?—The cause of the accident in very general terms, and derived in many instances from, I may say at once, imperfect sources, such as newspaper accounts.

285. Was not some of this information obtained from the chief of the fire brigade?—It has been obtained from various sources; certainly, some of it from the chief of the fire brigade, some from my own observations, and some from the Petroleum Association, who have been good enough to furnish me with information; and indeed from all sorts of sources.

Mr. *F. C. Frye.*

286. Was there not a fire that occurred in Union-street, Borough, in 1885, which was ascribed to mineral oil?—That was a fire which I have put down in the Return just handed in as due to "oil of sorts."

287. Then the fire at Price's Candle Factory in 1884 was ascribed to mineral oil?—You mean at Battersea, in November 1884; there, again, I have "melted paraffin."

288. You have given the Committee a summary of the regulations adopted by foreign countries; are these regulations generally complied with?—Well, very often in America, not. I believe they are more carefully complied with on the Continent of Europe generally; but I should not like to pledge myself to the efficiency of the administration of the law in all these different countries.

289. In the year 1883 was there a single fire recorded which mineral oil alone caused or increased?—Well, I have got one here: May 1883, Wellington-road, Battersea, Messrs. S. Bowley and Son, Oil Refiners. Under the heading "Whether a mineral oil or spirit accident," I have got "oil" and "query any spirit present". Again, there was a very important one in the Hooghly River, Port of Calcutta. "The British screw steamer 'Clan Stuart' caught fire," which is ascribed in this Return, and I believe rightly ascribed, exclusively to "oil." Then I have got a fire also in that year

Mr. *F. C. Frye*—continued.

at Shrewsbury, November 1883, which I have ascribed to "oil." I have made no correction in that, because I have no reason to believe that any is required.

Chairman.

290. These are all described in the Return you are putting in?—Yes. I understood the honourable Member to ask me if there were any fires that year due only to "oil." But it is a very incomplete list. There may have been 50 more fires of that character; those are the only ones that I have got which deal with "oil."

Mr. *Paulton.*

291. With reference to the sufficiency or insufficiency of existing legislation, I understood you to inform the Committee that you attach great importance to the fact that the law at present applied only to one class or variety of petroleum, and not to the whole?—Yes, I regard this as a fundamental defect of the existing law.

292. Can you give us any further information as to the relative proportion that the quantity of petroleum which is now regulated bears to the whole of the petroleum on sale and in use in this country?—I am not able myself to give those figures, but I believe information will be forthcoming which will show that so far as the petroleum to which the Act applies is concerned, it is absolutely insignificant compared with the amount of petroleum having a flash-point above 73°. In fact, it would scarcely be too much to say, that for practical purposes petroleum, as understood by the world at large, is in this country not regulated at all. When a person speaks of petroleum, he means in nine cases out of ten the oil which he burns in his lamp; he does not mean benzoline; and what I wish to impress upon the Committee is, that of that oil which is burnt in the lamp, there is no legislative control of any description.

293. With reference to some questions which have been asked you as to accidents this morning, you referred to a Return of fires which was furnished you by Captain Shaw; can you produce that Return?—Yes. Since my last examination by the Committee I have looked through the papers and I have found that Return, and I am quite ready to hand this in to the Committee.

Mr. *F. C. Frye.*

294. What year is that dated?—May the 11th, 1891. He gives a summary here from the year 1871 to 1890, inclusive, showing the total which I mentioned at the last meeting of the Committee of 503 fires; and he gives in the body of the Return the dates and places of the several fires; and he accompanied it with this note: "Dear Majendie,—Here you are; I have included only undoubted cases." I asked him whether he could give me any information.

Chairman.

295. You will put that in?—Yes.

Mr. *F. C. Frye.*

296. The County Council issue a Report every year, do they, of all the fires?—Yes, but I have not tabulated those.

297. I wondered

Mr. *F. C. Frye*—continued.

297. I wondered whether you had seen them?—I do see the County Council's Reports and read them, but I have not abstracted them for the purposes of this inquiry; and I merely incidentally mentioned this as showing how incomplete this Accident Return was if we are to ignore all such fires as these given me by Captain Shaw, and which return it should be observed, refers only to the metropolis.

Mr. *Paulton.*

298. You told us last time that inland waters not navigable by sea-going ships are not covered by the existing Acts?—Yes.

299. Was any opinion of the law officers of the Crown taken on that point?—Yes, in the early days of the Act, and it was to the effect that the Act did not apply to those waters.

300. That was definitely established?—That was definitely established by that opinion; it has never been contested, I understand.

301. And I understand that generally you rather desire to hold any expression of opinion in suspense concerning the question of the elevation of the flash-point at present?—Yes, I am anxious to see before expressing any opinion what is established by the opponents of the existing flash-point in favour of disturbing the arrangement which has existed unchallenged until two years ago, since at any rate 1879, if not from an earlier period, and I should not like to take the responsibility of expressing any opinion upon simply the very imperfect representations which have been made to us on that subject; no doubt more will be said here.

302. You hold that the *onus probandi*, so to speak, lies on those who now desire to raise the flash-point?—Most undoubtedly I consider that the *onus probandi* of showing that the existing arrangement requires to be disturbed is upon those who desire to disturb it.

Mr. *Wootton Isaacson.*

303. Would you kindly tell me the reason of Birmingham raising the flash-point?—Birmingham did not raise the flash-point.

304. They suggested that it should be raised?—They suggested that it should be raised, and they suggested it in consequence of, as they stated, several lamp accidents which had occurred. I do not know how far the Birmingham authorities are thoroughly familiar with the fact that the flash-point was not reduced by the Act of 1879, but was merely the equivalent of the former flash-point; but at any rate they did make that representation.

Mr. *Wootton Isaacson*—continued.

305. Is it your opinion that by reason of the raising of the flash-point the accidents would be limited?—I should like to hold my opinion on that point entirely in suspense.

306. May I ask if oil is kept in a cool place what effect an increased temperature would have on the oil, or whether it would be very much limited?—It is undoubtedly desirable not to expose it to any unnecessary elevation of temperature. Of the two places a cool place would be a better place to keep it in than a warm place.

307. And would you consider it necessary to provide for the special keeping of petroleum or any other inflammable liquids, that they should be kept in cool places?—I am afraid it would be impracticable. The stocks at some of these places are so very large that if they were required to put them all, say underground, or all in substantially-constructed buildings, the expense would be very great indeed. No doubt the keeping of oil in underground tanks is a great advantage, because it tends to keep it cool, and it is very much safer; and throughout the 1891 Bill you will find running, if I may say so, advantages in favour of that method of storage; but I do not think it would be practicable to prohibit the other methods of storage.

308. May I ask whether the regulations and restrictions were not framed so as to provide for the safety of the public as well as the protection of the trade?—Yes, the safety of the public was the first consideration.

309. But the trade, of course, were protected as far as it was possible?—That was my desire and intention, and it was with that view that we held these frequent conferences with the trade, and endeavoured to arrive at what I believed would be a *modus vivendi.*

Mr. *Paulton.*

310. Are you speaking of the Bill of 1891?—And 1883, too.

Mr. *Wootton Isaacson.*

311. Of the Bill of 1891 especially?—Of that Bill especially. That was a more considerable effort than the Bill of 1893.

312. Has a complete list been made to date from 1883 showing the fires caused by petroleum?—Not a complete list.

Mr. ALFRED SPENCER, called in; and Examined.

Chairman.

313. YOU are Chief Officer of the Public Control Department of the London County Council?—I am.

314. How is the London County Council concerned in the subject of petroleum?—The London County Council is the local authority under the existing Petroleum Acts for the county of London.

315. And therefore has the administration of the Acts?—And therefore has the administration of the Acts.

Chairman—continued.

316. Have you given special attention to the subject of petroleum legislation?—I have. The administration of the Acts in London has been carried out under my direction for the last 12 years. I gave evidence before the Lords' Committee in 1883 on the Bill then submitted by the Government, and that evidence was, in the main, against the provisions of the 1883 Bill. I made certain suggestions which were, in my belief, calculated to make the Bill acceptable to the trade and at the same time effectual in protecting

Chairman—continued.

protecting the public. Those suggestions were accepted by the trade, and adopted by the Committee. The Bill was referred back, in order that the Government might prepare a new Bill in accordance with the suggestions.

317. Did anything come of it?—Yes; the Bill of 1891 is, in the main, framed on those suggestions.

318. On the lines you suggested?—Yes. The main suggestion was this. The Bill of 1883 provided hard and fast regulations which bound the trade on one side and local authorities on the other side; but that, in the view of the local authority which I represented, was an unworkable arrangement; and what was suggested by me in my evidence was, that in lieu of that arrangement there should be substituted two things: Primarily, registration as in the Bill; and, if the trade could not comply with the regulations laid down under which registration could be effected, then that they should have the alternative of going to the local authority and asking for a licence outside the terms of those regulations; and that is the main principle of the Bill of 1891.

319. Then I gather that you are of opinion that existing legislation with reference to petroleum is not sufficient to give adequate safety to the public?—Yes, I am of that opinion, very strongly.

320. In what respects do you regard the Petroleum Acts as defective?—The Acts do not regulate petroleum at all as ordinarily understood. The Acts are misleading. They simply regulate a spirit which is a product of petroleum, and which is comparatively a very small matter as compared with the petroleum which is in daily use in almost every household, and is stored in large quantities, certainly in London, and probably elsewhere throughout the country.

321. Then you agree with Colonel Majendie that the oil burnt as an illuminant, petroleum oil, is not under control?—It is absolutely under no control.

322. What steps have been taken by the London County Council to obtain the amendment of the law?—Various representations have been made not only by the Council but by the late Metropolitan Board of Works, to successive Governments; twice in 1881, and again in 1883, and by the London County Council, on the 16th October 1890, with a view to obtaining more effective supervision and control over petroleum oil, and more especially also for dealing with the question of petroleum lamps. May I read from a report which was made to the council in March 1891, which, I think, gives you the views of the Council in a short space on this question?

323. This is the most recent indication of their views?—Practically the most recent indication. The date of the report is the 20th February 1891. The Committee report: "We have had under consideration the Inflammable Liquids Bill introduced into the House of Commons by the Secretary of State. This Bill proposes to repeal the whole of the existing Petroleum Acts, which deal only with mineral spirit as distinct from mineral oil. Under these

Chairman—continued.

Acts mineral spirit can only be kept in London under a licence granted by the Council, and the new Bill practically does not alter this. It does, however, provide that all mineral oil, as well as bisulphide of carbon, shall, for the first time, be brought under supervision. At present, any quantity, however large, of petroleum or other mineral oils can be kept in any part of London in unlimited quantities, and without any precautions being adopted for safety. We reported on the 16th October last that we had pressed upon Her Majesty's Government the importance of bringing in a Bill which would regulate the storage of inflammable liquids, and we are glad to be able to report that the Bill introduced is, in the main, a satisfactory measure, and that it will, in our opinion, ensure the safe keeping of these dangerous substances, without unduly interfering or restricting trade. In one respect, however, the Bill is wanting. It does not prohibit the sale of the dangerous petroleum or paraffin lamps which cause so large a destruction of life and property, especially amongst the poor. We have given great attention to this subject, and we think that there would be little difficulty in providing a remedy. We are of opinion that a clause should be inserted in the Bill prohibiting the sale, after a certain time, of lamps that are not of a safe construction, and that the Secretary of State should be empowered from time to time to define what lamps are of a safe construction. The Bill will probably be referred to a Select Committee; and we are making arrangements for giving evidence in support of the Bill, and for the introduction of a clause to prohibit the sale of unsafe lamps." That in a short space gives the views of the Council on the Bill.

324. Then the general result of your attempts to get the Acts amended has been failure?—So far, there has been no result. The only alteration since the Act of 1871 was the substitution of a close test for the open test in 1879, and the introduction of the Bills of 1883 and 1891.

325. Will you describe to us the way in which the Acts are administered in London?—Yes. The only power that the Council, or any local authority, has for dealing with petroleum oil, is to sample it upon its being imported into this country; so that all the petroleum which enters the Port of London, and which (as you will see later on by my evidence) is a very considerable quantity, is periodically sampled—tested by the Council, in order to see that it does not flash below 73° close test.

326. The Abel test?—The Abel test. Of course, the object of that from our point of view is that if it did flash below that it would be clearly within the meaning of the Acts, and therefore we should have to control and regulate it. But, as a matter of fact, there has certainly not for the last 12 years been one single instance where petroleum oil has flashed below 73°. On many occasions it has flashed at 73°, but it averages about 80°, or rather over 80° Fahrenheit. Then as regards mineral spirit which does come under the Acts, there are 830 licensed premises in London upon which this spirit is dealt with and is sold. When a dealer wants to sell this he applies to the Council for a licence; the premises are in-

Chairman—continued.

spected by the inspectors under the Acts, who see that the proposed arrangements for keeping the spirit are satisfactory; and methods are recommended by the Council which are set out in a print which I have with me. Here (*producing a paper*) is an abstract of the regulations relating to the "Keeping, Sale, Conveyance, and Hawking of Petroleum in the Metropolis," some copies of which I will put in for your information.

327. You can furnish the Committee with copies of this?—I can furnish the Committee with sufficient copies (*handing in copies*). This recommends certain methods of storage. In Clause 9 it recommends that "petroleum should, whenever possible, be stored in one of the following methods:—

"(*a.*) In a strong metal tank sunk into the ground at a suitable place, and covered with earth or concrete. The tank to have no openings, but for the pipes through which the petroleum is pumped.

"(*b.*) In a concrete, stone, brick, or iron store (partially sunk into the ground where possible), the lower part so constructed as to form a tank capable of receiving, in case of accident, all the petroleum contained in the store. The store to be ventilated sufficiently to prevent the accumulation therein of an inflammable vapour, and all ventilating openings to be protected by strong wire gauze. The Council, however, grant licences to keep quantities not exceeding 10 gallons of petroleum in yards or other suitable situations, on condition that a place of storage having a superficial area measuring at least 5 feet by 5 feet is provided, and is exclusively appropriated to the purpose, and that such place of storage is not within any inhabited building." Then the paper goes on: "In cases where the foregoing methods of storage cannot be adopted, the Council may grant licences under special conditions, provided the means of storage proposed are considered satisfactory."

328. I suppose in all cases you inquire the quantity that is proposed to be kept?—The application discloses that. We require that the application shall disclose the quantity proposed to be kept, or rather the quantity proposed to be licensed, not necessarily kept, but the maximum quantity proposed; that it shall disclose the method of storage proposed, and where the quantity proposed to be kept exceeds 50 gallons, then it shall be accompanied by a plan showing precisely the position of the premises and the method of storage that is suggested. On receiving an application the inspector for the district visits the premises and ascertains whether or not they are satisfactory, having regard to the surroundings. Each case is absolutely considered on its merits; and if it is satisfactory, an intimation is made to the applicant that on the work being carried out, that is the provision that he proposes being made, in a proper manner, a licence will be granted to him, and then upon the work being completed a licence is granted.

329. Is there any maximum fixed beyond which you do not grant a licence?—Absolutely none; it is not a question of quantity at all in the opinion of the Council, and in my opinion; it is

Chairman—continued.

a question of method. We believe that if petroleum, whether it is oil or spirit, is kept in a perfectly safe manner, that is to say, in underground stores as I have indicated here, it can be and will be then as safe as any other article. The abstract sets out generally what the conditions are which are ordinarily attached to every-day licences; and then states what the provisions relating to "Conveyance of Petroleum" and "Hawking Petroleum" are.

Mr. *Wootton Isaacson.*

330. And what penalties are there for disobeying the regulations?—The penalty for disobeying the Petroleum Act is a liability to a penalty of 20*l.* and forfeiture; but the provision as to penalties is a curious one. There is no direct penalty for a breach of the conditions of the licence; but the licence itself becomes forfeited and cancelled. Therefore in every case where a breach of the conditions occurs we have to take out our summons, not for a breach of the conditions, but for keeping petroleum in unlicensed premises.

Sir *Henry Roscoe.*

331. Are these licences renewed from year to year?—They are mostly annual. There are certain cases where we give them for a shorter period under special circumstances.

Chairman.

332. Never more than a year?—Never more than a year. I put in forms of licences (*handing in the same*). Then in addition to the 830 places where petroleum spirit is kept for sale, there are 300 licensed premises in London upon which petroleum, is used for purposes of trade; and there the quantities are very much larger, the conditions are more onerous, and the difficulties are greater. The number of premises upon which petroleum or other mineral spirit, is kept for sale is a decreasing number; it is decreasing, because the general use of the petroleum spirit by the public is decreasing; and therefore where we used to license between 2,000 and 3,000 premises a dozen years ago, we only license 1,130 premises now; but while it is not so much used by the public, and therefore not kept for sale to anything like the same extent as formerly, its use for trade processes is increasing, and the spirit is now used at 300 premises in London, upon which various trade processes are carried on. It is used very largely in the manufacture of india-rubber as a solvent. In the manufacture of waterproof garments, steam packing, tennis balls, tennis shoes, and every process in which india-rubber is used for the purposes of trade, there petroleum spirit is used as a solvent; and those premises are all licensed by the Council. In some of those premises there are a large number of hands employed, some hundreds, perhaps, and it becomes a matter of very great importance that the interests of those workers should be protected; and the Council has taken very great pains to ensure that the conditions under which the work is carried on are satisfactory, and such

as

Chairman—continued.

as will protect the workers. I may say that we find no difficulty with manufacturers, who in almost every case are willing to take precautions; they recognise the danger of this material, and they are quite willing to adopt reasonable precautions; they discriminate between what would be reasonable and unreasonable, and reasonable precautions they almost invariably appear to be desirous of observing; and we have had no practical difficulty, or very little practical difficulty, in getting petroleum spirit both kept and used in London under satisfactory conditions for safety.

333. Have you printed regulations which you issue to these manufacturing houses?—No; it would be, I apprehend, impossible that anything in the nature of general regulations could be made. The circumstances of the manufacture, and of the premises in each case, vary so much that we find that it is necessary to take every case on its merits, and practically make the regulations in the licence granted to the manufacturer.

334. Then I gather from your statement that the use of petroleum spirit for manufacturing purposes is considerably on the increase in London?—It is.

335. Do the Council inspectors visit these manufacturing establishments?—Yes. The premises having been licensed they are periodically inspected several times in the course of the year. The question how many times depends upon the actual premises; some, where the danger is greater, require visiting oftener than others; but I may put it that all premises licensed in London are visited in the course of the year several times.

336. Do you wish to make any further statement as to administration?—I may add that the Council's inspectors look after the conveyance of petroleum through London to the extent that the Act permits.

Mr. *Wootton Isaacson.*

337. Is petroleum very much used in the driving of small engines now; is that on the increase?—I think it is. I am not quite sure.

Chairman.

338. What, in your opinion, are the reasons which make it desirable that the storage of petroleum oil should be brought under regulation and supervision?—My opinion is that all specially dangerous substances, all highly inflammable liquids, not only petroleum, but all specially dangerous substances, should in towns, at any rate, especially where stored in large quantities, be brought under some supervision and regulation. There are several reasons why petroleum oil may be considered to be of a specially dangerous nature. Where stored in large quantities it becomes on being ignited, of course, equally dangerous with the spirit. As a first cause of accident it is not, of course, of the same danger; but assuming that a fire breaks out or an accident occurs, then the petroleum on the premises involved would be certainly a source of special danger, and more especially from the danger of

Chairman—continued.

the liability of petroleum to flow out from the premises. Perhaps the Committee may consider it unnecessary to go beyond petroleum oil.

339. Our reference applies "to the keeping, selling, and conveyance of petroleum and other inflammable liquids"?—I should like to say that I draw no distinction between petroleum and other inflammable liquids, that I can see logically no difference in the danger. I presume a line must be drawn somewhere, and I should say that all inflammable liquids below that line should be subject, when stored, to certain conditions.

340. Now can you give the Committee any information as to the quantity of petroleum oil and mineral spirit respectively which are brought into stores and used in London?—Yes, the importation of petroleum oil and petroleum spirit respectively into London for the six years 1888 to 1893 inclusive are as follows: in the year 1888, 929,678 barrels of both oil and spirit were brought into London, of which 37,302 barrels were spirit, and therefore under the Act; and 892,376 barrels were oil, and therefore not under the Act. In the year 1889 the total quantity increased to 972,000 barrels, of which 45,000 barrels were spirit and 927,000 barrels were oil. In the year 1890 the quantity further increased to 992,000 barrels, of which 43,000 barrels were spirit, and 948,000 barrels were oil. In 1891 the quantity further increased to 1,294,000 barrels, of which 50,000 barrels were spirit and 1,244,000 (practically a million and a quarter) barrels were oil. In 1892 the quantity dropped somewhat; the total quantity was 1,285,000 barrels, of which 57,000 barrels were spirit and 1,227,000 barrels were oil. But last year there was a rather striking increase. In the year 1893 the total importation into London was 1,575,489 barrels, of which 59,882 barrels were spirit and 1,515,607 barrels were oil.

341. Now, taking that 1,515,000 barrels of petroleum oil, none of that was under the control of the County Council?—Absolutely none.

342. There was no supervision, or inspection, or regulation respecting it whatever?—Absolutely none.

343. And do you know where that is stored and how it is stored?—Yes, I might just add this word; that in the six years from 1888 to 1893 the increase has been rather over 40 per cent., and the increase in spirit and oil has been practically side by side; the spirit increase is nearly 40 per cent., and the oil increase is just over 40 per cent. The total quantity for the six years brought into London was 7,050,154 barrels, of which 294,556 were spirit and 6,755,598 barrels were oil; and each barrel may be said to contain on an average from 41 to 42 gallons, so that if you multiply that quantity of 7,000,000 by 40, roughly you get 280,000,000.

344. That was 280,000,000 gallons which came in in six years, and which you say was not under any supervision or control whatever?—None whatever.

Mr. *Paulton.*

345. And an increase of 40 per cent.?—An increase of 40 per cent.

 346. Now

Chairman.

346. Now, I asked you a question about where and the way in which it is stored?—I will begin with the wharves, what we call the importation wharves. There are now four importation wharves inside London; one at Bethnal Green, one at Bromley, one at Poplar, and one at Bow, at which the actual quantities stored in December 1893 and June 1894 respectively were as follows: At the first wharf, which is Palmer's Wharf, Bethnal Green, there were 22,000 barrels in December 1893; 4,500 in June 1894; at the second wharf, which is St. Leonard's Wharf, Brunswick-street, Bromley, there were 60,000 barrels in December 1893, and 40,000 barrels in June 1894; the third wharf is Dudgeon's Wharf, Cubitt Town, Poplar, where there were 36,000 barrels in December 1893, and 2,000 barrels in June 1894; the fourth is Rowatt's Wharf, Bow, where there were 40,000 barrels in December 1893, and 26,000 barrels in June 1894.

347. The stocks are heaviest always in winter?—They appear to be so. Some years ago there were seven wharves in London, and the stocks at that time were very nearly the quantities here given multiplied by 10. At that time there were at the seven wharves in London over 400,000 barrels of oil being kept, and at one of them, St. Andrew's Wharf, Millwall, there were over 100,000 barrels in the one wharf kept in the open, with practically no protective measures whatever, at a height considerably above the general height of the dwelling-houses in the immediate neighbourhood; so that in the event of fire the whole neighbourhood would probably have been submerged in the burning oil. But I am very glad to say that that condition of things has come to an end; the prospect of legislation, probably more than anything else, put an end to that state of things; and at the present time there are only four wharves where much smaller quantities are kept, and under much more satisfactory conditions.

348. If the trade has so largely increased, how is it that the stocks have so largely diminished?—Because there has been a change in the methods of distribution. The tendency has been to change the trade to some extent from a barrel trade into a tank trade; and now tank vessels bring over the oil both from Russia and from America in large quantity, instead of in barrel as formerly. These vessels are brought alongside the wharves, not in London, but outside London, and the oil is pumped from the vessels into the tank storage upon the wharves; and from that point it is sent out in specially constructed vehicles called tank waggons for distribution to the retailers.

349. Then the trade has completely undergone a change?—The trade has largely undergone a change, not completely.

350. Not as a result of legislation, but as a fact, the oil is brought now, in your opinion, in tank ships instead of in barrels, and is distributed in tank waggons?—To a large extent that is so.

Mr. *Wootton Isaacson.*

351. Will you tell the Committee why all the wharves for the storage of these numbers of barrels are situated in the East End of London?—The reason why the importation wharves (I draw a distinction between them and the distributing wharves) are in the East End of London is because they are easily accessible to the vessels that bring over petroleum. But from these importation wharves the oil to some extent is carried on to the distributing wharves, and these are not wholly at the East End. The first of these distributing wharves belongs to the Anglo-American Oil Company; it is called the Tea Rose Wharf, and is at Fulham; and there in December 1893 there was kept a stock of 2,750 barrels, and in June 1894 of 2,698 barrels. The second wharf is on the canal at Chalk Farm; it is called Canal Wharf, Chalk Farm; it is close to the North Western Railway Station; there in December 1893 there was a stock of 2,130 barrels, and in June 1894 of 1,750 barrels.

Mr. *Wootton Isaacson*—continued.

Sir *Joseph Crosland.*

352. What was the quantity in tanks?—These quantities are mostly kept in tanks. The word "barrel" is simply here used as a term of measurement.

Chairman.

353. Will you tell me how that oil got to Fulham, how it was conveyed?—In tank barges.

354. Where does it first arrive in this country?—I am afraid I cannot say positively where the outside wharves are, but a very great part of it I have no doubt comes to Thames Haven. There it is transferred to tank barges which are lightered up the Thames; and then it is pumped out of the tank barges into tanks at these storage depôts.

355. The tank vessel comes up the Thames?—It does.

356. And at some point of the Thames the contents of the vessel are pumped into tank barges?—That is so.

357. Then further up the river it is again pumped out of the tank barges into tanks?—Yes, large storage tanks on the various wharves which are in London.

358. And then from the storage tank it is again pumped for distribution into the tank waggon?—That is so.

359. And distributed all over London, I suppose, for use, and is sold to the retailer in a certain number of gallons. Is it measured out in tank waggons to the retailer?—The usual plan is to measure it out of the tank waggons into vessels in which it is carried on to the retailer's premises.

360. Where it is put into his tank?—Where it is put into his tank. There may be some cases, I think there are, where the connection is from a pipe on the tank waggon to a tank on the premises of the retailer; but I think more usually, certainly more usually in smaller premises, the transference from the tank waggon to the tank of the retailer is made by means of metal measures carried with the tank waggon.

361. But are there no barges in the Thames laden with barrels of petroleum and moving up and

Chairman—continued.

and down with barrels of petroleum?—I should say that is the case to some extent.

362. And moored at different stations along the river?—Probably that is so.

Mr. *Wootton Isaacson.*

363. At Somerset House you may see a number of barges passing loaded with barrels of petroleum?—I think that those are mostly, if not all, empty barrels.

Mr. *Graham.*

364. As to the Chalk Farm Wharf, is not the depôt at Chalk Farm supplied by the railway?—I think not; it is on the Regent's Canal, and the petroleum is brought, I believe, by barge.

Chairman.

365. Is there any regulation of these wharves?—As a matter of fact, dealing with a particular wharf, that is the Chalk Farm Wharf, I was consulted as to the construction of that wharf, and the tanks were laid down and the general arrangements of the wharf were made under my advice, but that was purely voluntary. No. 3 of the distributing depôts is Ailsa Wharf, Poplar, where in December 1893 there were 7,200 barrels of oil, and in June 1884, 8,300 barrels. Then there are seven other distributing wharves where smaller quantities are kept.

Mr. *Wootton Isaacson.*

366. In the East End the large wharves supply the distributing wharves?—That is so, no doubt, to some extent. Then as to the method of storage of oil on the wharves, I have got a note that at Palmer's Wharf, the first one I named, the storage is entirely in underground tanks. At St. Leonard's Wharf, Dudgeon's Wharf, and Rowatt's Wharf, there are about 2,000 barrels in barrel, and the remainder stored in tanks.

Chairman.

367. These tanks, I understand, are underground?—In the first case they are underground.

368. At a certain distance, apart from each other?—That is so. They are buried in the ground at a certain distance apart, and covered by earth or concrete.

369. But is that a regulation of yours?—No.

370. It is entirely voluntary?—That is entirely voluntary.

Mr. *Wootton Isaacson.*

371. For their own safety?—Some of these wharves have been arranged in consultation with me; but that is voluntary.

372. For their own safety?—Yes, for their own safety.

373. Not from any Act of Parliament?—No; they are quite outside any Act of Parliament. Going on to the other cases, I find that at Crab Tree-lane and Chalk Farm three-fourths of the quantity is stored in tanks, the remaining one-fourth being in barrels in warehouses and on the wharf. At Ailsa Wharf there are generally 500 barrels in barrels and about 5,600 barrels

Mr. *Wootton Isaacson*—continued.

kept in tanks. At the Caspian Wharf there are about 1,000 barrels kept in barrel.

374. Where is Caspian Wharf?—At Bow Common. Then, as regards the distribution and storage on the premises of the retailers, I made, in 1885, a careful inquiry throughout London, and found that there were 3,068 premises upon which one barrel or under of petroleum oil was kept. There were 1,614 premises upon which two barrels or under were kept; there were 1,059 premises upon which five barrels or under were kept; there were 290 premises upon which 10 barrels or under were kept; and there were 109 premises upon which over 10 barrels of oil were kept.

Chairman.

375. In all cases kept in tanks?—Not in all cases necessarily; I think mainly, but not invariably.

376. And in no case under regulation or supervision?—None.

377. And do you think that in many cases they are kept in a manner dangerous to the public safety?—I think in some cases they are kept in a manner which is dangerous to the public safety.

378. What remedy do you propose for the state of things you describe?—The remedies in the main laid down in the Petroleum Bill of 1891.

379. And you think, on the whole, that the Bill of 1891 was satisfactory?—Subject to such modifications as the Committee may, on evidence before them, choose to make, and to the insertion of a provision requiring that all petroleum spirit should be conveyed in metal vessels instead of barrels, and to a provision prohibiting the sale of dangerous lamps, I think the Bill of 1891 both a perfectly satisfactory Bill to the authorities and a very easy Bill for the trade to work under.

380. Have you formed any opinion as to the advantage of raising the flash-point of petroleum oil?—My experience in the administration of the Petroleum Acts in London during the last 12 years has not led me to think that there would be any material advantage to the public safety in raising the flash-point. The present flash-point was settled in 1879 after exhaustive experiments, at which, I understand, the various interests concerned were represented, and no suggestion for altering it has been made till recently. As the temperature of the atmosphere in this country never reaches 100° Fahrenheit, the present flash-point (which is equivalent to 100° Fahrenheit) would appear to give adequate protection against the giving off of inflammable vapour under ordinary conditions of use.

381. Are you of opinion that the most serious public danger is in the use of unsafe lamps?—I am.

382. Could you give the Committee some information as to the extent of this danger, in your opinion?—Yes. I have here, and will put in a list, giving the statistics of lamp accidents for the years 1881 to 1893 inclusive, compiled from the annual report of the chief officer of the

Chairman—continued.

Metropolitan Fire Brigade, presented to the London County Council. Comparing the year 1881 with the year 1893, the total number of fires from all causes in London in the year 1881, reported upon and visited by the brigade, were 1,991; of these fires, 114 were due to lamp accidents, and out of that number 27 were caused by the explosion of lamps; the deaths from all fires were reported to be 40 in that year 1881, while the deaths from lamp accidents were reported to be five, and the injuries from lamp accidents 11. But in the year 1893, the total number of fires had gone up to 3,410, of which 456 were due to lamp accidents, and out of this number 111 were caused by explosions of lamps; the deaths from all fires in 1893 were 82; the deaths from lamp accidents were reported to have been 24, and the injuries from lamp accidents were 13. These figures are the figures coming within the cognizance of the Fire Brigade, and you see that last year the number of deaths from lamp accidents is reported to have been 24. But I hand in a list of "Fatal lamp accidents which occurred in the County of London during the year ended 31st March 1894"; that is the financial year of the Council, and during that year there were 41 fatal lamp accidents, involving 48 lives.

Mr. *F. C. Frye.*

383. A large increase on any other year?—It was an increase; and every year the number of deaths from lamp accidents increases. If it will not be troubling the Committee too much, I might read this list through, as it is very short and gives the cause in each case. No. 1 occurred on the 6th of April 1893; the person fatally injured was Mrs. Baker, 119, Hornsey-road, Islington; the lamp was upset and the reservoir broken; it was an ordinary lamp with a reservoir of thin porcelain. No. 2 occurred on the 1st of April 1893, to Elizabeth Ward, of 1, Hamilton-terrace, Pope-street, New Eltham; the lamp was upset and the reservoir broken, and the lamp had a glass reservoir. No. 3 occurred on the 24th of April 1893, to Elizabeth Clement, of 2A Annis-road, Victoria Park-road; the lamp was upset and the reservoir broken, and the lamp had a glass reservoir.

Chairman.

384. As you are going to put this list in, it is hardly worth while reading it all; but is it true that in the majority of cases the loss of life is due to the fact that the lamp was either improperly constructed or more frequently that it was of glass or porcelain?—Lamp accidents in my opinion invariably happen because the lamp is made either of improper materials or improperly constructed, or both, more frequently both, improper materials and improper construction. (*The Witness handed in the list of fatal accidents for the year ended* 31*st March* 1894.)

385. Have the London County Council taken any steps to diminish this loss of life?—Yes. They have absolutely no power to deal with this question under the Petroleum Acts; but seeing the great loss of life that was taking place the late Metropolitan Board of Works did, in the

Chairman—continued.

first instance in the year 1885, commence to investigate every lamp accident that came to their knowledge in which death or serious accident was involved. In addition to the facts of the case being inquired into, the remains of the lamp and wherever possible samples of the oil were obtained, and these were submitted to Sir Frederick Abel and Mr. Boverton Redwood, who conducted a long series of experiments with a view to ascertaining what the causes of lamp accidents were. The results of the experiments were embodied in a series of suggestions which were first issued in the year 1885.

386. Suggestions by whom?—Suggestions made by Sir Frederick Abel and Mr. Boverton Redwood.

387. Made by them to whom?—Originally to the Metropolitan Board of Works; and these have been adopted and issued by the London County Council, and I put them in (*handing in the same*).

388. What do they mainly refer to; do they refer to the construction of lamps?—The important part refers to the "Construction of Lamps," and I may say that the really vital suggestions are the first three. The first suggestions is "the wick should be enclosed in a tube of thin sheet metal, open at the bottom. This wick tube should reach almost to the bottom of the reservoir containing the oil"; and the object of that is to shut off the vapour from coming into contact with the flame. The second one is that "The oil reservoir should be of metal, and not of china, glass, or other fragile material." About two-thirds, roughly speaking, of the fatal accidents occur through the reservoir for the oil being of a fragile material; the other one-third are due to explosion, and would be met by the adoption of No. 1 suggestion.

389. You are entirely opposed to glass or porcelain reservoirs?—Entirely. May I show to the Committee the ordinary common lamps in use and the means suggested for making those lamps safe?

390. If you please?—I produce here three lamps, which are typical lamps, sold daily, and in every-day use by the poor. The first (*producing a lamp*) is a lamp manufactured, I believe, in Bohemia, which I purchased for the sum of 1*s.* 9*d.*, it is entirely of Bohemian glass, and has a cheap burner called "Kosmos." You will see that the burner is absolutely in communication with the reservoir, so that any vapour formed in the reservoir would gradually come into communication with the flame.

391. And explode?—Under certain conditions which I will explain further on. This (*pointing to another lamp*) is a still cheaper lamp, which I think cost 10½*d.*, and there again the same conditions arise.

Sir *Henry Roscoe.*

392. Is that a foreign make?—That is a foreign make too. It is a very fragile glass reservoir, and you will see that the burner is of such construction that by looking through the side of the wick you can see right up to the flame; so that it is quite easy for the vapour to pass.

Sir *Henry Roscoe*—continued.

pass. The third one (*producing it*) is known as the penny lamp; it is of the commonest construction, made of glass and tin, and lamps of this construction were the means of causing five deaths in London last year.

Mr. *F. C. Frye.*

393. Do they burn benzoline in it?—No; it is intended for oil.

Mr. *Alexander Cross.*

394. Is the explosion caused by the flame getting to the vapour, or by the lamp being upset?—The list I have put in would tell that. Explosion is invariably caused by the flame and the vapour meeting. The two dangers may be stated in this way: the oil being burnt in a lamp is at first safe; it does not give off inflammable vapour; but after a lamp has been burning for some hours, the immense heat given off gradually raises the temperature of the metal part of the burner to a very high temperature indeed, so that you cannot touch it with your hand, and that is gradually communicated to the reservoir in which the oil is contained, and the temperature of the oil is raised up to the point that it begins to give off inflammable vapour in a confined space; as the oil is burnt and lowers in the reservoir that vapour increases in volume until with a lamp of that description you have this condition of things: that if any exciting cause, such as the opening of a door or a window, or the movement of the lamp or any sudden motion, would tend to throw the flame back into the lamp, or to drive up the vapour to meet the flame, you have a condition of things under which explosion takes place.

Sir *Henry Roscoe.*

395. Or when an attempt is made to blow the flame out?—Or when an attempt is made to blow the flame out.

396. Or if the lamp is in a draught?—Or if the lamp is in a draught; the intensity of the explosion depending on the proportion of vapour present. If the proportion of vapour is very high the explosion is not of great force. The danger is at its maximum when there is a comparatively small quantity of vapour present. I believe about 5,000 parts of atmospheric air to 150 parts of petroleum vapour would produce the maximum of explosive effect. That is the danger of an explosion, and that danger can be absolutely obviated by a very simple contrivance, which is shown in a very cheap form of lamp here. This lamp (*producing a lamp*) is a safety lamp, and cost about 1*s.* 9*d.* The difficulty of the reservoir is easily got over by making it of metal, so that if the lamp is dropped the oil does not escape. Where a porcelain lamp or a glass lamp is dropped the oil immediately escapes, and giving off vapour, as it does in large volume, fires, and the action is almost as quick as that of gunpowder. When this lamp drops there would be no fracture, and no oil would escape. The danger from explosion is got over, and effectually got over by enclosing the wick in a metal tube which goes to the bottom of the reservoir. The effect of that is that the oil itself, while there is any oil remaining in the lamp, is an effectual trap

Sir *Henry Roscoe*—continued.

which, exactly like a sewer trap, shuts off the vapour in the lamp from access through the burner to the flame. It is almost a condition of burning a lamp that the temperature of the oil will become raised, and although it varies with the kind of oil and the construction of the lamp, I apprehend that any prudent man would avoid having in his house a lamp which on being thrown down would be fractured and would be liable to fire.

397. May I ask this question; do you know of any experiments which have been made to show whether the heat is not communicated by the metal tube down to the oil more readily or more quickly than it otherwise would be?—I know of no experiments bearing upon that point. This (*producing another lamp*) is an illustration of an ordinary lamp of rather more value, which can easily be transferred into a safety lamp. *That* is what is known as a "bayonet catch" (*describing it*). The value of this illustration is that it shows you an unsafe lamp made into a safe one. *This* (*pointing*) is a metal reservoir, with a tube extending to within a fraction of an inch, $\frac{1}{16}$ of an inch, of the bottom; and by substituting a metal reservoir for a glass reservoir, and a tube inside it, you get a perfectly safe lamp in lieu of an unsafe one. *This* (*exhibiting it*) is a section of a lamp of a very ingenious nature. The wick tube is in the centre, but isolated from the reservoir altogether by an air passage which you see *here*; the connection is at the base of the wick tube only. There are three small tubes which carry the oil from the reservoir into *this* wick tube. That completely shuts off all connection, and would probably get over any difficulty which arose from the wick tube entering the oil itself. In this lamp it does not do so; the oil simply flows from the reservoir into the wick tube.

398. That, of course, is a much more expensive one?—Yes. This (*pointing to another lamp*) is a cheaper form of lamp, where the same principle is applied. This lamp is sold for 12*s.* 6*d.* or something of that sort.

Chairman.

399. When you speak of a 12*s.* 6*d.* lamp, that is beyond the reach of the poorest class?—Absolutely.

400. And what is wanted is a safety lamp at a low price?—What is wanted is a safety lamp which shall be as good or better than the cheap lamp of to-day, which will be almost as attractive in appearance, and which will give absolute safety, and be a better constructed lamp, so that it will last longer and be more economical in use. *This* (*pointing to another lamp*) is a form of lamp sold to the public for 1*s.* 6*d.* That has an arrangement completely shutting off the wick.

401. You would regard that as a safe lamp?—Yes, I should regard that as a safe lamp. I suggest that, in lieu of the present collar, a more solid collar should be substituted; and the manufacturers have undertaken to do that.

Colonel *Palmer.*

402. You could probably make some experiments between now and the next sitting of the Committee which would enable you to answer Sir Henry Roscoe's criticism as to the conveyance

Colonel *Palmer*—continued.

of heat down the tube. The suggestion was that it might convey heat to the bulk of the oil; on that you are not prepared to speak?—No.

403. But you can make experiments?—Yes; but the experiments would take a certain period; I doubt whether I could be ready in a week.

Sir *Henry Roscoe.*

404. The attention of lamp manufacturers has long been called to the necessity and the advisability of preparing something to guard against accidents?—Yes; these suggestions were intended for the lamp manufacturers, and have been delivered from time to time to manufacturers in London and to all places where lamps are sold.

405. Have you observed any improvement in the class of lamps used by the people in consequence of your recommendations?—Practically very little; and in order to give the Committee some precise information upon that point I have recently caused some inquiries to be made at 100 shops in various parts of London as to the extent to which safety lamps are now being sold and kept for stock. Twenty premises were visited in the western district, and safety lamps were found to be on sale at four of these premises; 23 premises were visited in the central district, and safety lamps were found to be on sale at three of them; 26 premises in the eastern district were visited, and no safety lamps were found to be on sale at any of them; 15 premises were visited in the south-western district, and no proper safety lamps were on sale. In that district lamps with metal reservoirs are in increased demand. Two lamps were shown to the inspector having metal reservoirs, and having a tube for inclosing the wick fitted to the reservoir instead of to the burner. Sixteen premises were visited in the south-eastern district, and safety lamps were on sale at three premises; at four premises lamps with metal reservoirs are kept for sale; so that out of 100 premises visited, safety lamps were on sale at ten, exactly 10 per cent. But, at all of these premises where safety lamps are sold, the great bulk of the lamp stock are non-safety lamps; and in every case the seller said that the demand for safety lamps was of the smallest, and that comparatively few were sold. It is in despair of getting safety lamps adopted in any other way that my Council comes to you and asks you to restrict the sale of dangerous lamps.

Mr. *F. C. Frye.*

406. I suppose most of these lamps could be converted into safety lamps; it is a matter of expense?—Yes. I say nothing about the penny lamp; but take this cheap form of lamp (*pointing to a lamp*); it simply means withdrawing the burner and putting it in a metal reservoir in lieu of this common glass one, and putting it in a wick tube.

Chairman.

407. But, practically, your recommendation would exclude the use of China, glass, porcelain, or pottery, in any shape or form of the lamp?—Yes.

Chairman—continued.

Colonel *Palmer.*

408. And would you substitute for it, that which would cost no more?—I think myself that in the end it would not cost any more. I mean in this way: that as the demand increases, and the manufacture is carried on on a very much larger scale, then the price will certainly decrease until it reaches something near to, but possibly not quite so cheap as these common ones.

Chairman.

409. You say that while metal lamps may be made cheaply, it is not easy, if it is possible, indeed, to have a metal lamp as ornamental as a Bohemian glass lamp for anything like the price?—That is so, and that is the practical difficulty.

Colonel *Palmer.*

410. And that is a question of taste?—That is a question of taste. The dealers in lamps assured us that the lamp must be showy; that for purposes of sale it is of no importance whether it is safe or not; there must be as much of it as possible, and it must be as attractive as possible to the eye, and that purchasers take no interest at all in the question whether a lamp is safe or not.

Mr. *F. C. Frye.*

411. Have you found that the paper shades that are used now for lamps have caused fires occasionally?—I have heard of ordinary fires being caused by paper shades, but of no fatal cases. May I say that the Council does everything in its power to call public attention to the danger of using dangerous lamps.

Chairman.

412. But you have no power to enforce the use or to prohibit the use of any lamp?—Absolutely no power whatever. In addition to investigating every lamp accident, we attend at every inquest where a lamp accident is involved and give evidence, and these suggestions practically are put before the public at every inquest, and they have been frequently referred to and printed in the newspapers, but all to no purpose.

413. It has been stated that lamp accidents can be stopped only by raising the flash-point, and that so-called safety lamps are not really safe, but introduce a new danger; what do you say to that?—It has been so stated; and if I might quote from an article: "Mr. Stuart explains with care and explicitness why he advocates the adoption of a higher flashing-point for lamp oils, and it is valuable testimony to his opinion that the Scottish section of the Society of Chemical Industry have passed the following Resolutions on the subject"; and No. 6 of those Resolutions states that: "Many fatal accidents have occurred from the use of the inflammable oil, and, as a measure of precaution, so-called 'safety lamps,' constructed of metal, have been recommended. Unless the oil itself is safe, a new source of danger is introduced by 'safety lamps.'" With that I entirely disagree. No evidence has

Chairman—continued.

has come to my knowledge that safety lamps are a cause of danger; and as a matter of fact, in every case in London investigated by us (and we investigate every case that comes to our knowledge involving serious consequences), no safety lamp has been involved.

414. No accident has occurred in the case of a safety lamp?—No accident involving death or serious injury has occurred in London for many years past in which a safety lamp has been used.

Mr. *F. C. Frye.*

415. At Drury Lane a few months ago a safety lamp was thrown on the floor almost every night, and you never heard of an accident from that cause, did you?—No.

Mr. *Alexander Cross.*

416. But that raises the question whether these accidents have been due to explosions or simply to what may be called the result of a fire caused by upsetting the lamp, carelessness?—Speaking generally, two-thirds of the fatal lamp accidents have resulted from the breaking of the reservoir by dropping, or an accidental upsetting.

417. That does not touch the question of the high or low flash-point. If the oil be of a low flash-point it would quickly ignite upon the breaking of the vessel containing it?—Do you mean at the moment?

418. Yes?—As I understand, the cause of accidents is that when the reservoir breaks the oil in it has given off sufficient inflammable vapour for that vapour to ignite on coming in contact with the flame; that is to say, that the lamp falls, or the reservoir breaks, and immediately a lot of vapour is let loose, which the flame of the lamp ignites. That is all as sudden and instantaneous as a gunpowder explosion; and the oil being thrown on the clothes of the person holding the lamp, or near it, is the cause of a great number of fatal accidents. As to the other accidents which are not fatal, it is impossible to give you the number; many hundreds, possibly thousands, occur in London every year.

Mr. *F. C. Frye.*

419. Which you do not hear of at all?—Many which we hear of; many which we do not hear of. We are investigating cases every day.

Colonel *Palmer.*

420. I should like to ask you, is it your opinion that if a safety lamp be used the flash-point of the oil which is burnt in it is immaterial?—I believe that to be quite immaterial.

Chairman.

421. Have you any suggestion to make as to what, in your opinion, ought to be done by legislation to secure the safety of lamps?—Yes; I should like to hand in a clause which perhaps the Committee will allow me to read, and which I suggest might be embodied in a Petroleum Bill or any other Bill; it is a very simple clause, and I think would entirely meet this difficulty. The clause runs as follows: "The Secretary of State may

Chairman—continued.

from time to time by order make, and when made, rescind, and alter specifications of lamps or other appliances intended to be used for burning mineral oil for purposes of illumination, heating, cooking, or otherwise, and it shall be unlawful for any person on and after the 189 to keep expose or offer for sale, or sell, any such lamp or other appliance, unless constructed in accordance with one of such specifications, and any person keeping exposing or offering for sale, or selling, any such lamp or other appliance not so constructed, shall be liable, on conviction, to a penalty of not exceeding *5l.* in respect of such lamp or other appliance, and to the forfeiture of the lamp or appliance." Then I suggest that power to inspect mineral oil lamps kept for sale should be given to the inspectors under the Act, with power of seizure of dangerous lamps.

422. Then practically you would make the Home Secretary the judge of what lamps are safe, and what lamps should be used, and what lamps should be prohibited?—That is so, and I suggest that it should be done in that way for the reason that it would provide for any alteration in the construction of lamps from time to time. Of course it would be very inconvenient for Parliament itself to have to decide upon the merits of any particular type of lamp.

423. And you would prohibit the construction, I presume, the sale or the use?—No, I only deal with the sale. I only propose to prohibit the sale of lamps of a dangerous type.

424. But, as you say, the mass of the lamps in use are dangerous; would you prohibit the use of dangerous lamps?—I have not ventured to go as far as that. I have not even ventured to suggest that the lamps already manufactured and bought by the retailer should be condemned; I leave that for the Committee to do. I leave it blank in my proposed clause. I only suggest that it shall be, after a certain time, unlawful to sell lamps of a dangerous construction. What that time would be is a matter entirely for the Committee. The Committee may think that consideration should be given to the retailer who has a stock upon his hands, and that those lamps should be allowed to be sold. Personally, I should regret that exceedingly, because I think it is a terrible thing for the community to have lamps of that sort, which are unquestionably a constant danger, still being sold. I should like that danger put an end to as soon as possible; but, as a practical matter, I am obliged to admit that it would be a serious loss upon the retailer who holds a stock of lamps; and I leave that to the Committee to deal with.

425. But suppose lamps in use were permitted to continue to be used, and that the lamps in stock might continue to be sold, and that only new lamps came under your regulation, how is the Home Secretary to enforce such a regulation as that?—It is not for him to enforce it; he simply has to make the law; it is for us to enforce it; it is for the local authorities to enforce it.

426. Would it not be better for the local authorities to have the power in their own locality in the first instance?—The power to define what a safety lamp is, do you mean? I think not. It

Chairman—continued.

would be impossible for the trade to work in that way, because every local authority might have its own notions of what a safety lamp was. It would be infinitely better for a central authority to define what are the conditions of a safety lamp; and I think I may put it that it would be a comparatively simple thing, supposing the Home Secretary made it a primary condition that all reservoirs containing the oil should be of metal of a certain reasonable thickness, and that every wick should be enclosed in a tube, and that the burner should be attached to the body of the lamp in some secure and satisfactory manner; that would be comparatively simple. The whole of the lamp trade, I apprehend, could work to that without any difficulty, and I should think there would be no practical difficulty in adopting it.

427. And that it should be the duty of the local authority to enforce it?—Certainly, as it is the other provisions of the Petroleum Acts. But, as a matter of fact, it would enforce itself, I think. Directly such a law came into operation nothing but safety lamps would be manufactured; and at the port of importation of course it would not be difficult to intercept the very large quantity of lamps which come from abroad. I suppose the most dangerous lamps at the present time in England are those that are imported; and the moment that this suggested clause came into operation you would at once cut off those lamps at the point at which they enter the country. What would be the effect? I think I may say from my knowledge of the circumstances that from the time that any law of that kind was passed, dangerous lamps would cease to be manufactured.

Colonel *Palmer.*

428. What would be the position of an inventor of a new safety lamp?—He would submit his lamp to the Home Secretary, who would examine it.

Sir *Joseph Crosland.*

429. Through an expert?—I am a very busy man, but I have time to look at all safety lamps submitted to me and examine them critically, and burn them in my own house and watch them; and I see no practical difficulty in the Home Secretary, by his expert advisers, examining such lamps.

Chairman.

430. You have new safety lamps submitted to you frequently?—Yes.

Mr. *Alexander Cross.*

431. The London County Council appear to sanction some lamps by giving their approval?—

Mr. *Alexander Cross*—continued.

No, that is contrary to the fact. Until I knew this lamp (*pointing to it*) was on sale, I had never seen it. It was made on the rough specification in the suggestions issued by the Council, and I suppose the maker (who was a Manchester man) adopted that name, the County Council lamp, because of that.

Chairman.

432. The summary of your recommendations is, that the Bill of 1891 should become law, with some additional clauses regulating the construction of lamps, is that so?—Prohibiting the sale of unsafe lamps (that is the way I should put it), and also providing that mineral spirit should only be conveyed in metal vessels. The reason for that (and I am directed specially by the Council to bring that point before the Committee) is that in London we have experienced great difficulty from the neglect of that, and we believe that a large number of the accidents that do occur in the storage and transport of petroleum are due to the fact that spirit is allowed to be carried in barrel. It is obvious that spirit which gives off inflammable vapour at all temperatures, and a vapour which penetrates easily almost any substance except metal, passes freely through the wooden barrels, and wherever these barrels containing spirit are, there is a great liability to the presence of inflammable vapour.

433. But at the present time the spirit is a subject of regulation, I understand you, but the oil which is used as an illuminant is not a subject of regulation?—The spirit is only subject to regulation up to a certain point. We have no control over the way in which it is brought and carried through London; and we think that legislation ought to prohibit the conveyance of the mineral spirit, except in metal vessels through which the vapour could not penetrate. The Regent's Park explosion (to quote a well-known instance) was, I believe, caused by the neglect of that.

434. That is to say, that all spirit liable to explosion should be conveyed in metal vessels hermetically sealed?—Yes, with a screw tap or screw bung; that is, hermetically sealed.

435. And that all petroleum oils and illuminants should be brought under supervision and regulation; would you exclude the heavy oils?—We go on the lines of the Bill of 1891. To the extent provided for in the Bill of 1891 we suggest that the storage and conveyance of petroleum oil should be brought under supervision and regulation.

436. And you do not think that there is any necessity for any interference with the flash-point?—Upon that point I can only say that our experience has not shown any such necessity.

Friday, 27th July 1894.

MEMBERS PRESENT:

Sir Joseph Crosland.
Mr. F. C. Frye.
Captain Hope.
Mr. Wootton Isaacson.
Mr. Jacks.
Mr. Mundella.
Colonel Palmer.
Mr. Paulton.
Sir Henry Roscoe.

THE RIGHT HONOURABLE A. J. MUNDELLA, IN THE CHAIR.

Mr. ALFRED SPENCER, re-called; and further Examined.

Chairman.

437. WHEN you were last here, I think, it was suggested that you should make some experiments in the heating of oil or the testing of oil?—A Member of the Committee, Sir Henry Roscoe, suggested that those experiments should be made, and I have made them accordingly. The experiments were made at the request of the Committee to ascertain the increase of the degrees of temperature of petroleum oil in lamps with and without safety-wick tubes. The tests were made on three successive days: on the first day with Scotch oil, on the second day with Russian oil, and on the third day with American oil. The three lamps used were of the same size and character, with reservoirs of about one quart capacity, duplex burners, and self-extinguishing apparatus. The first series of tests were made with Scotch oil on Tuesday, July the 24th. The oil used was Young's paraffin oil, purchased at a shop in Blackfriars-road. The flashing-point of the oil was 110° Fahrenheit in the Abel test. The lamps were lit at 11 o'clock in the morning, and extinguished at 4 p.m. The temperature of the room at the commencement of the test was 66° Fahrenheit; the temperature of the room at the conclusion of the test was 75° Fahrenheit. No. 1 lamp was a lamp of good construction, with a glass reservoir, and without a wick tube; the temperature of the oil on lighting was 65°, and after burning five hours was 81°, an increase of temperature of 16°. No. 2 was a lamp of precisely the same construction, except that it had a metal reservoir instead of a glass reservoir, and it was without a wick tube; the temperature of the oil was 65° on lighting; it was 87° after burning five hours; an increase of temperature of 22°. No. 3 lamp was a lamp with a metal reservoir, and with a wick tube, in all respects the same as the preceding lamp, but with the addition of the wick tube; the oil at the time of lighting was 65°; after burning five hours it was 99°, an increase of temperature of 34°. On Wednesday, July 25th, a similar series of tests were made with Russian oil; the oil used was the Nobel brand obtained from St. Leonard's Wharf, Brunswick-road, Poplar; the flashing-point of

Chairman—continued.

the oil was 91°, Fahrenheit-Abel test. The lamps were lit at 11 a.m. and extinguished at 4 p.m. The temperature of the rooms at the commencement of the test was 71°; at the conclusion of the test 78°. No. 1 lamp was a lamp with glass reservoir and without wick tube; the temperature of the oil on lighting was 70°; after burning five hours it was 84°, an increase of temperature of 14°. No. 2 was a lamp with metal reservoir without a wick tube; the oil on lighting was 70°; after burning five hours it was 92°, an increase of temperature of 22°. No. 3 lamp was a lamp with metal reservoir with wick tube; the temperature on lighting was 70°; after burning five hours it was 101°, an increase of temperature of 31°. On Thursday, July 26th 1894, the tests were repeated with American oil, Tea Rose brand, obtained from the Anglo-American Oil Company's Wharf, Ailsa-street, Poplar. The flashing point of the oil was 82°, Fahrenheit-Abel test; lamps lit at 11 a.m. and extinguished at 4 p.m. The temperature of the room at the commencement of the test was 70°; at the conclusion of the test 75°. No. 1 was a lamp with glass reservoir without wick tube; the temperature of the oil on lighting was 69°; after burning five hours 83°, an increase of temperature of 14°. No. 2 was a lamp with a metal reservoir without wick tube; the temperature of the oil on lighting was 69°; after burning five hours 89°, an increase of temperature of 20°. No. 3 was a lamp with metal reservoir and with wick tube; the temperature of the oil on lighting was 69°; after burning five hours 97°, an increase of temperature of 28°; and I put in a record of the experiments in tabular form.

438. Will you tell us the conclusions you draw; have you drawn any conclusions from those experiments?—The conclusions that may be drawn lie on the surface.

439. Let us have them on the Notes, if you please?—They are that with glass reservoirs the increase of temperature is considerably less than with metal reservoirs, and that with metal reservoirs, where a wick tube is not used, it is considerably less than with metal reservoirs where a wick

Chairman—continued.

a wick tube is used. But I attach no great importance to the result of these experiments, for the reason that if you have a safety lamp there can be no danger present, no matter what the temperature of the oil is. If every lamp in ordinary use was made with a strong metal reservoir and with a safety wick-tube——

440. With a metallic tube, that is to say?—With a metallic tube reaching to the bottom of that reservoir, that lamp is a safe lamp, and can be used with safety by any one.

441. No matter what the temperature of the oil is?—No matter what the temperature. Of course, there are certain advantages in increasing the temperature rapidly, and I think I ought to put that before the Committee. The explosive force of the vapour present in the reservoir is not greatest when the heat of the oil is greatest. After a certain point the explosive force of the vapour rapidly diminishes, so that by the time the oil is very hot, and the reservoir is full of the vapour of the oil, the explosive force of that vapour is practically nil. It is highly inflammable, of course; but its explosive force, as I explained at the last meeting of the Committee, is the greatest when there are about 150 parts of petroleum in the form of gas present to 5,000 parts of atmospheric air; and as the proportion of petroleum vapour is increased, the explosive force greatly diminishes. So that, as far as explosion is concerned, there are certain advantages in getting the maximum danger over quickly, by getting the air in the reservoir saturated with petroleum as quickly as possible.

442. Exclusion of the air?—Not exclusion, but saturation, when it becomes almost wholly inflammable, but non-explosive.

Sir *Henry Roscoe.*

443. What you mean is, that it becomes non-explosive, but inflammable; is that so?—Yes.

Chairman.

444. Do you wish to supplement your answers with reference to the non-explosive safety lamps?—All the important accidents that have occurred in the County of London within the last 10 years, that have come to my knowledge, have been investigated by officers of the local authority, and I do not know of any serious accident having arisen in connection with the use of a properly constructed safety lamp.

445. Do you wish to supplement your last week's evidence on any other point?—The Committee expressed a doubt whether the Home Secretary could undertake such a duty as was suggested by the clause which I submitted, that was, to issue from time to time orders specifying what type of lamps fulfilled the conditions of safety, and might be sold. I should like to say this, that under the Explosives Act the Secretary of State is empowered to issue orders from time to time specifying a variety of things relating to the conveyance of explosives, the importation of explosives, and other matters of an intricate nature; and I am informed by the Home Office authorities that those duties under

Chairman—continued.

the Explosives Act are of a far more intricate and difficult nature than those proposed by the clause which I submitted to you, and that they see no practical difficulty in the terms of the section. In fact it was submitted to them before I brought it up to you.

446. Would they involve an examination by some expert on behalf of the Home Office, of every new lamp that was invented?—Yes, where that lamp professed to be a safe lamp, and yet did not comply with one of the specifications that already existed.

447. And would it not be giving under the authority of the Home Office a sort of state guarantee to the purchasers of the lamp that they were buying a safe lamp, which might not after all turn out to be perfectly safe?—May I refer to other Acts of Parliament, such as the Explosive Acts, the Act relating to the Proving of Gun-barrels, and the Acts relating to Miners' Lamps and to Weights and Measures, all of which do give to some extent a guarantee of the State that certain primary conditions, certain first principles, are complied with in the matters guaranteed. But it is obvious, I think, that any guarantee can only go to a reasonable extent. You would by the means proposed give to the public that guarantee which would practically protect them from the enormous loss of life and waste of property that goes on now.

448. But with respect to weights and measures the guarantee is only as to a certain specific accuracy of weight or measure, and there is nothing there involving risk to anybody or a guarantee?—There is only the guarantee of the accuracy for the time being, just as there would be for the safe construction of the lamp. The public, I apprehend, would want to know that the lamp which was sold to them did not endanger their lives.

449. Take the case of weights and measures; the weights and measures are examined, are they not, by the local authority, and they put their own stamp upon them, and claim the right to put their own stamp, both upon scales and weights and measures, is not that so?—Yes.

450. The County of London does it to an enormous extent?—Yes; that is carried out under my supervision, so that I am acquainted with all the details of it.

451. And not only so; but if they are removed from the County of London to another county, the local authority there claims the right of re-examination and re-stamping?—Which the Act does not give them.

452. I beg your pardon?—The Act certainly does not give that as regards weights and measures; it is a moot point on the question of weighing instruments; but with reference to weights and measures the Act does not give the right to re-stamp.

Mr. *Wootton Isaacson.*

453. Do you think that the County Council should have the power of giving certificates as to the absolute safety of the lamps which are described as safety lamps?—I do not suggest that course, because of the practical difficulties in carrying anything of the kind into execution.

454. Now

Sir *Henry Roscoe.*

454. Now, with reference to the question of safety lamps, you have told us here that in one of your experiments with Russian oil the temperature rose in the metal reservoir to 101°, the flash-point being 91°; 10° therefore above the flash-point of the oil. Now I want to ask you this: you speak about safety lamps, and according to your view this lamp with which you operated, containing a metal tube passing down into the reservoir to the bottom of the reservoir is a safety lamp?—I do consider it so.

455. It is a safety lamp so far as regards the passage of the flame from the lamp to the surface above the reservoir?—From the burner to the space in the reservoir above the oil; that is so.

456. But imagine, for example, that this lamp containing oil at 101°, and having a metal reservoir were thrown on the ground; of course explosion would not occur, but is there not a danger in your opinion that that oil might flow out, and that fire, if not an explosion, might occur, inflammation of the oil taking place, having regard to the temperature being 10° above the flash-poimt?—The danger is such a remote one that in my opinion it is not worth consideration.

457. Have you ever made any experiments on a case of that kind; how far it is possible to set up the firing of the oil from a lamp which might be thrown down under circumstances such as you describe?—No experiments; but the results of investigations have shown that under those circumstances a fire would be set up only when the reservoir breaks.

458. What I mean is, that your definition of a safety lamp may turn out under certain circumstances not to be a perfect one?—No lamp could be made absolutely safe unless you made the reservoir so strong as to be unbreakable under every circumstance; but practically a lamp is a safe lamp if it is unbreakable under the circumstances of ordinary use or ordinary accident, such as dropping the lamp.

459. In my suggestion I did not anticipate that the vessel would be broken, but that the oil would flow out, and that ignition might occur?—But in the case of a properly constructed lamp, as defined by the suggestions issued by the Council, the burner would screw into the reservoir, and dropping or even throwing would not detach the burner from the reservoir; and the oil could not under those circumstances flow out, except, of course, there was fracture of the reservoir.

460. You think that the fracture of the reservoir would be the only possible way in which the oil could come out on to the table or wherever it might be?—I do.

461. Are you aware that a number of proposals have been made for a so-called safety lamp in which it has been proposed to attach a cap to the wick or to the burner, which cap, when the lamp is upset, at once covers the flame and extinguishes it?—The three lamps with which I made the experiments I have described to you had all such an apparatus attached to them.

462. You have not described, in your safety lamp, I understand, this portion of the apparatus?—No, because I have confined myself to what I consider the essentials of a safety lamp, and I do

Sir *Henry Roscoe*—continued.

not consider that an essential part of a safety lamp. It is a valuable addition, but I do not want to rely upon it.

463. Are such lamps, furnished with these extinguishing caps, used at all, in your experience?—Yes; I think they are, in the better-class houses, because, as a rule, they are attached only to expensive lamps. I think they would be valuable in preventing accidents, to a certain extent.

464. Would you mind making an experiment for the satisfaction of the Committee as to whether it is possible to throw down a lamp and for oil to escape when the temperature is 10° above the flash-point with a safety tube?—Yes, I should be very glad to do it. You do not wish me, I understand, to experiment as to temperature, but simply as to the fact of the outflow of the oil in case of throwing down.

465. I think it would be desirable to take a case in which the oil is, as you have given us in this instance, 10° above the flash-point, and then to see whether, by upsetting the lamp in a variety of ways, you can induce an outflow of that oil from one of these lamps; and whether, under these circumstances, amongst a number of experiments, a case occurred in which the oil took fire?—Yes.

466. Then you must make a number of experiments?—These experiments are to be made with a safety lamp with a wick tube and a metal reservoir?

467. Yes?——

Chairman.

468. In continuance of Sir Henry Roscoe's suggestion, let me put this to you: you have brought before us to-day some experiments of a very valuable character, and as this Committee will rise to-day, and will probably be re-appointed early in the beginning of next Session, will you be good enough, in the interval, to make experiments with various lamps and various oils, raising the oil to the highest temperature that you feel that you safely can, and trying those experiments under circumstances of what may be termed extreme danger, such as may occur in any small household with a lamp in the hands of an ignorant person, or under circumstances where there are not proper precautions taken?—May I ask whether all these experiments are to be with safety lamps, because, of course, with danger lamps we are having experience of such cases every day.

468*. No, I think only with so-called safety lamps; whether the accidental overturning of a so-called safety lamp, the oil being raised to a high temperature above flash point, will produce flame or accident generally; and perhaps you will be prepared, early next Session, to favour the Committee with the result of those experiments?—May I ask you to be allowed to extend that to any other experiments that I think may be of value to the Committee?

469. Most certainly. We shall be very grateful to you, because your evidence up to now is the evidence of a practical man having the largest and widest possible experience of a nation at your own door, and you have officers under you

Chairman—continued.

who are accustomed to deal with these matters; and we should like to see how far the Committee can be satisfied as to the burning of various oils with safety. You will try it with various safety lamps and with various oils?—Yes.

Sir *Henry Roscoe.*

470. The experiments, I would suggest, must be numerous; and the more you can get the better we shall be pleased, and the more satisfactory will be the result?—Yes.

Sir *Joseph Crosland.*

471. With regard to these experiments as to temperature, and so on, have they all been with duplex lamps?—They have.

472. And have you tried these same experiments with what are called the circular wicks?—I have not had time to do that; I will now do it amongst the others.

473. Because, speaking for myself, the fact of these metal reservoirs and wick tubes actually increasing the temperature of the oil in the lamp seems to me to point rather to an increase of danger to some extent, and it is contrary to the way in which I expected the experiments to turn out. Now, when you showed us the lamps the other day, there was one lamp with a circular wick with a tube up the centre, and I was looking out in your experiment for the result of the test of that one, because I had an idea (though I might be wrong) that the current of air drawn up through the centre tube both sides of the wick would be a means of keeping the reservoir cooler; what is your opinion on that point; you could not tell, I suppose, without trying?—I shared exactly the view of the honourable Member, and I have made certain experiments to ascertain whether that was so. I shall submit the results of those experiments and of similar experiments later on. Meanwhile I may say that the results so far have not justified my first opinion, and there is a greater rise of temperature in that lamp than I had anticipated.

Mr. *Jacks.*

474. I would like to ask you one or two questions on what you have said to-day on your experiments before going into the evidence you gave last time; I observe that the Scotch oil, Young's oil, was the only oil that was not taken at a wharf?—Yes.

475. Now, do you think that there is any possibility of the oil having been adulterated in the shop?—I can form no opinion on that point.

476. Then I am sure you will have noticed that according to the low degree of the flash-point, or rather in reverse ratio to the low degree of the flash-point, is the increase in the temperature; for instance, Young's, which was 110° flash-point, gives the greatest increase in the temperature?—I noticed that.

477. And so on, I presume; the Russian, which is 91°, gives a slightly worse result than the American, which is 82°?—That is so.

478. Could you give any explanation, for that is a most interesting point?—Of my own knowledge I am unable to give any explanation.

Mr. *Jacks*—continued.

479. But of your own opinion?—I must fall back upon the Report, which is in the hands of the Committee, made by Sir Frederick Abel and Mr. Boverton Redwood to the Home Office; and I will read a paragraph from that Report which does bear to some extent upon the question of the honourable Member. The passage I want to refer to is on page 5 in the second paragraph, and it is as follows: "Experiments have demonstrated that the burning of an oil of comparatively high flashing-point is more likely to cause heating of the lamp than the use of an oil of comparatively low flashing-point, in consequence of the higher temperature developed by the former, and of the greater difficulty with which some oils of that description are conveyed to the flame by the wick. It, therefore, follows that safety in the use of mineral oil lamps is not to be secured simply by the employment of oils of comparatively high flashing-point (or low volatility), and that the use of such oils may even in certain cases give rise to dangers which are small, if not entirely absent, with oils of comparatively low flashing-point."

480. Now there is one other point on these interesting experiments (which are exceedingly interesting, and I am very glad indeed that the Chairman has given you the instructions he has with regard to further experiments): the heat increases least with a glass reservoir?—Yes.

481. Now, I have not the technical knowledge that you have, and, therefore, I would make this as a suggestion only: would it not be possible and quite practicable to construct a lamp with a glass reservoir, and cover it with leather. My point is this; that metal is a very dangerous material of which to make the reservoir, for this reason: that if the lamp begins to burn out, if the oil is exhausted, and a girl does what she is very apt to do, takes a candle to look in to see how much oil there is, that will be a source of great danger; is not that so?—If a person opened a lamp to see how much oil was in it after it had been burning for some time, there would be danger of a flash, and, of course, if the lamp was held in the hand the lamp would probably be dropped, and in that case there would be danger.

482. But my next point is this: if you were making them in glass and covering them with leather just as a brandy or whiskey flask is covered, they could be made as cheap as with metal; in point of fact you buy a whiskey flask made of glass and covered with leather; and then it has this advantage, that you do not require to look in, but you see by means of the little slit on the side, exactly how much liquid is in the vessel?—There would in a lamp with a reservoir of that construction be a larger and added measure of safety over an exposed glass reservoir unquestionably. Whether the fact of leaving the slit would increase the liability to fracture on dropping the lamp, is a question to which, without experiment, I cannot well reply.

483. Now I had not the advantage, unfortunately, of hearing your evidence in chief, and you will pardon me asking one or two questions. You have your evidence of last time before you?—Yes.

484. Would

Mr. *Jacks*—continued.

484. Would you kindly look at Question 325. In reply to the Chairman, you say that the only power that the Council has is the testing of petroleum oil when it arrives. Do you test all oil when it arrives, whether it is reported to be of high grade or of low grade?—May I ask if you are speaking of American imported oil and Russian oil, or of Scotch oil.

485. I am speaking of the very interesting statistics you gave in answer to Question 340; you do not distinguish there; and my next question was to be this: whether you had distinguished whether it was Russian, American, or Scotch; because that is what I am leading up to; that you do not distinguish?—Then I will answer the question in this way: The importation wharves, as well as the distributing wharves, are visited by the Council's inspectors fortnightly. The inspectors take samples of the bulk of the oil upon the premises; where they know the oil is the high test, they only occasionally take those samples; but where it is the low test they take them always.

486. Then, in answer to Question 335, you say that your inspectors have the power to visit places where the oil is stored, "the premises are periodically inspected several times in the course of the year"?—My reply to Question number 335 applies exclusively to spirit, not oil.

487. Under spirit do you include petroleum? Perhaps if I put my next question you will follow it better. I put the present question as a platform from which to ask the following question: Am I to understand that your inspectors have no power of visiting premises whereat are stored oils of all kinds above the flash-point of 73°; that the moment the owner of the premises can prove that he has oil at or above the flash-point of 73° he can say to your inspectors "you have no power to come in here"?—The power that the inspectors of a local authority have of visiting premises upon which petroleum is stored, whether in the form of oil or in the form of spirit, is simply that they have the power of sampling on tender of payment any mineral oil or spirit present on those premises; and their power is absolutely limited to that. If on being tested the liquid sampled proves to be petroleum within the meaning of the Act, that is to flash under 73° Abel test, then they have power to deal with it.

Chairman.

488. But do you find any practical difficulty in ascertaining these facts?—None whatever.

489. They never throw any difficulty in your way?—No.

Mr. *Jacks.*

490. I simply wanted to see the effect of your reply to Question No. 325. So that your reply to Question 325 is modified to that extent?—No, I do not think any modification is needed as I read the reply.

491. I will not press that; I daresay you are right. Now, would you kindly turn to Question 340. In regard to these very interesting statistics you gave, have you any note of the origin, I mean what was Russian, what American, and what Scotch?—Available at the moment, I have not; but the inspectors are instructed to report (and they are furnished with forms for the purpose) the kind of oil which they sample in each case, and the quantity of it on the premises.

492. So that, no doubt, you have a record?—Yes.

493. Then, turning to Question 326, I will not quote the words, but taking the spirit of the reply I would ask this: If oil flashed under 73°, would it be dangerous; suppose the oil were 50° instead of 73°, you would consider that oil dangerous?—I should consider that it came within the scope of the existing Petroleum Acts, and deal with it in that way.

494. That is not quite my point. Do you think from your own knowledge, as an expert, that that would be dangerous oil to handle and burn?—May I ask you to substitute the word "spirit," because no oil, as I understand it, flashes at anything like that.

495. Yes, I will substitute that word if you wish?—Of course, in answer to the honourable Member's question, I should say that petroleum spirit is unquestionably a dangerous substance under all circumstances.

Chairman.

496. All spirit is, is it not?—I think I may go a little further with petroleum spirit; as it gives off inflammable vapour at any temperature, and as that inflammable vapour is exceedingly likely to ignite and explode, I think there is special danger.

Mr. *Jacks.*

497. You would not venture an opinion (apart altogether from the data we have before us) as to the question at what point spirit, petroleum, or whatever you like to call it, becomes dangerous. At 73° you say it is not dangerous; at 50° it is of course. Now will you state what is the minimum point that you consider to be not dangerous?—I consider that the excessive dangers in connection with petroleum spirit or oil would arise, under circumstances of ordinary storage and use, and apart from lamps (which is another question altogether), when it flashes at the temperature of the atmosphere for the time being.

498. Then if our atmosphere be 70° or 80°, which it often is, would you not consider 73° rather shaving it close?—In reply, my answer would be that 73° in the Abel test is the equivalent, or believed to be the equivalent of 100° Fahrenheit in the open test; that the conditions of the old open test are in some respects more parallel with the conditions of the ordinary use of petroleum oil than the conditions of the close test; and for that reason I think that oil flashing at or about 73° in the Abel close test can be used with safety in England or other places having climates with temperatures which do not ever exceed 100° under those conditions of ordinary use which are more parallel with the conditions of the old open test than with the conditions of the new close test.

499. Then is the Committee to understand that the Abel test shows the flashing point one-third

Mr. *Jacks*—continued.

third below what it actually is?—Yes, or rather not one-third, but 27 per cent. below what the flash-point would be when the oil is being kept or used under many ordinary conditions. If petroleum in the course of handling were exposed freely to the external atmosphere, it would in my opinion be under conditions equivalent to the old open test; and therefore a flash-point of 73° Abel test would be safe. But there may be conditions, more nearly akin to those in the close test, where there might be a certain amount of danger. I will illustrate that by the case of an empty petroleum barrel. The oil in that barrel was over 73° flash test, and therefore safe under ordinary conditions; but when the barrel has been emptied, and its inner surface has been giving off vapour in a confined space, the conditions of the close test are approximated to: and therefore there is more real danger with empty petroleum barrels than barrels that are full, more danger of an initial explosion I mean. The principal danger of petroleum oil kept under ordinary conditions is one of fire after the initial accident causing ignition has taken place.

500. Then, will you kindly look at your answer to Question 327; you there described the (very properly so) strong precautions to keep the vapour below the heat of the flash-point; that is in (*a*) and (*b*); I need not quote it; but there you recommend that it should be in strong reservoirs or tanks sunk underground in order to keep it cool; is not that so?—No, that was not the primary object; the primary object was to keep it under absolutely safe conditions. Any substance, whether it is petroleum spirit or whether it is bisulphide of carbon or any other substance put into metal tanks and buried in the ground in a safe way cannot be ignited. We have had some very striking examples of that in London. May I illustrate it by one case which I think the Committee will consider a very striking one? At Grindlay's Wharf, Poplar, a year or two ago, there occurred a fire in which some thousands of barrels of resin were involved. The fire originated at the resin still; it set fire to a stock of resin, some 4,000 barrels, on the premises; the fire burnt with the greatest fury and intensity; the resin melted and flowed out through the gates of the wharf into the streets; it entered the sewers and set fire to and injured a certain number of surrounding houses. Underneath the centre of that fire petroleum spirit was being stored in the manner described in section (*a*); and, after the fire, which practically annihilated everything it came into contact with, was over, that petroleum spirit was found to be intact, perfectly safe.

Mr. *Wootton Isaacson.*

501. And the fire was going on over it?—Yes; the spirit was stored beneath the centre of one of the fiercest fires that have ever occurred in London.

Mr. *Jacks.*

502. That would point to this, that unless the vapour was touched by the flame it would not explode?—Between the raging fire and the tank there was a bed of concrete, and the fire practically never penetrated through it; though no doubt the spirit got very hot it was safe. May I add that in nearly every fire that we have investigated where petroleum spirit has been upon licensed premises, the spirit, although probably the most dangerous substance present, has never been involved, because the precautions taken under the licences granted by the Council have been in every case successful in protecting the premises from danger from the petroleum.

Chairman.

503. Petroleum spirit is not used for burning, but for manufacturing purposes, is it not?—It is used mainly now for manufacturing purposes; it is used for burning, if at all, only to a slight extent; but it is also used for cleaning, both in trade and for domestic purposes.

Mr. *Jacks.*

504. Then in answer to Question No. 332, you say that the tendency now is that petroleum spirit is decreasing; that it is "a dying trade." Would it be out of the way to suggest that it is decreasing or dying because——?—The retail sale of petroleum spirit, I said, was decreasing.

505. Therefore the use of it for burning purposes is decreasing?—Yes.

506. Would it be unfair to suggest that that is owing to the number of accidents that have occurred; that people are afraid to use it?—But there are no accidents from petroleum spirit, or very few; the accidents are almost always from petroleum oil.

507. What I understood was that you referred to the petroleum oil retailed, I mean the stuff sold to be consumed in lamps?—That is not spirit; that is oil. May I ask you to repeat your question?

508. I see now that in your answer to Question No. 332, you guard yourself by saying, for manufacturing purposes. Then, will you look at your answer to Question 339?—The Question was "Our reference 'applies to the keeping, selling, and conveyance of petroleum and other inflammable liquids.'" My reply was, "I should like to say, personally, that I draw no distinction between petroleum and other inflammable liquids, that I can see logically no difference in the danger. I presume a line must be drawn somewhere, and I should say that all inflammable liquids below that line should be subject, when stored, to certain conditions."

509. Then might I ask in your opinion is there no difference in point of danger or safety between petroleum and say, rape or colza oil?—There is the greatest difference, of course. Rape and colza oil would be far above any line which you draw.

510. Exactly so; so that the difference in point of danger is simply in all oils the inflammable point at which the one will go off under the other?—I am afraid I do not quite follow the question.

511. I mean that the difference in risk is the point at which the respective oils will explode?—The difference of initial danger would doubtless be represented by the flashing point.

512. So

Mr. *Jacks*—continued.

512. So that it is a question of degree?—The initial danger would doubtless be a question of degree.

513. Now, I want to ask you this question, and if you do not care to answer, kindly do not do so: Have you collected any statistics as to the number of accidents that have occurred throughout the United Kingdom?—Accidents from what?

514. Originated by the burning of oil?—In lamps, do you mean, lamp accidents.

515. Yes?—I have not, for the reason that they do not exist. I may add that in London, as there is no statutory supervision over these things, any information I collect is given to me purely voluntarily. That constitutes one of our greatest difficulties; and although we record a small number of petroleum lamp accidents which have attracted a certain amount of public attention, and especially where they have involved the loss of life, by far the greater proportion go unrecorded in any way, because we have no statutory means of inquiring into them. The coroners are associated with my department, and therefore I am in every-day touch with them; and, of course, the Explosives and Petroleum Acts I am in constant touch with: and therefore a certain number of accidents come to my knowledge; but I believe that by far the greater number of petroleum lamp accidents go entirely unrecorded. The Fire Brigade report a certain number, and I get a certain number from the coroners, and a certain number from my own staff; but I believe that by far the greater number go unrecorded altogether; and if this Committee sees fit to call representatives of the insurance companies, I think they will be able to give the Committee valuable information upon the number of unrecorded fires caused by lamp accidents which daily occur. I am told by the insurance companies that they exceed 50 per cent. of what are known as the smaller fires, that is, the fires to which the brigade is not called; and there must be a still larger number of fires which do not even come to the knowledge of the insurance companies.

516. Now, in giving an account of these accidents, those who report to you never distinguish, do they, as to the quality of the oil which has originated the accident?—Their instructions are, in every case which they investigate, if there is any portion of the oil left, to obtain it; and wherever it is possible we obtain samples of the oil, and test it for its flashing-point.

517. But the cases are very rare, I presume, where you can get it, because in a fire it is all burnt out?—They are shown in the list I handed in.

518. I would just like to ask you a question or two upon the lamps in the presence of Sir Henry Roscoe: you believe that many of the lamps are badly constructed, and therefore unsafe?—I do; nearly the whole of the lamps sold.

519. Would it, in your opinion, be better, assuming that it did not materially raise the price, to use oil which does not give off inflammable vapours at the ordinary temperatures of the atmosphere?—I do think so.

520. You think that it would be safer at the same price?—Yes, but I think that it would be still safer to use properly constructed lamps.

521. What would you say to a proposition like this; I put it in its crudest form, and I am sure you will not misunderstand the words in which I frame it; what would you say to this suggestion: that a low class-oil with, say, a 72° flashing-point is dangerous in any lamp, and that oil with a flashing-point of 100° and upwards is safe in any lamp; what would you say to that?—I absolutely disagree with both statements.

522. Then can you explain how it is that in lighthouses, where they use a very very high class of oil, with a flashing-point of 145°, I believe, there is (so far as I know) no accident on record?—The conditions of a lighthouse lamp have, so far as I know, little or nothing in common with the conditions under which petroleum oil is burnt for domestic use.

523. You would not like to recommend that a low-grade oil be used in lighthouses?—I have no knowledge on the subject.

524. Are you aware that no oil is accepted by a department in the Government under 100° to 105°?—I have heard that as to the War Office; I do not know it.

525. Would you care to burn oil in your own house at 73°?—Oh, certainly; I do it every day; I mean to say, ordinary burning oil which has passed the 73° test.

526. I want to understand your evidence, because it has struck me being so important. You differ entirely from the evidence of Professor Lyon Playfair, now Lord Playfair, before the Committee of the House of Commons in 1867, when in reply to a question he said, "I would burn none in my own house nor would I advise a friend of mine to burn any in his house under 120°"?—I do; I have no hesitation at all, and feel no risk at all in burning ordinary petroleum oil (such as is sold to the poor every day) in properly constructed safety lamps. I do burn it, as a matter of fact, every day in my own house.

Mr. *Wootton Isaacson.*

527. I merely wish to ask you a few questions to obtain from you some information in addition to your very interesting evidence that you have given us this morning. Will you be good enough to tell the Committee whether the Abel test continues to sustain its character as a thoroughly reliable, uniform, and efficient test?—It does.

528. And is that test, that figure one which the Petroleum Association, the most interested body, is perfectly agreed on?—When the change was made from the old open test to the close test in the year 1879, it was as a consequence of a series of experiments that were made by Sir Frederick Abel on behalf of the Government, by Mr. Keates on behalf of the late Metropolitan Board of Works, and by Mr. Boverton Redwood, I believe, on behalf of the Petroleum Association; he was then the chemist of the Petroleum Association; and I believe it to be the fact that the 73° close test was the result of a consensus of opinion from oil experts representing various interests.

529. As a perfectly safe test?—As a perfectly satisfactory

Mr. *Wootton Isaacson*—continued.

satisfactory and scientific test, replacing an unscientific test which was exceedingly unsatisfactory, and varied in the hands of every operator, so that you could never get two results the same.

530. Now, many questions have been put to you on the matter of glass lamps, but you told us nothing about a lamp which is very much in use at the present day among, I may say, possibly people in a better position in life, such as china lamps and earthenware lamps; and you have given us in your very interesting details no experiment which was made with a china lamp; you have given us one experiment with a glass lamp, another with a metal one, and a third with a lamp having a metal wick tube?—I make no distinction between glass lamps and china or earthenware lamps where the reservoir is of fragile material; and the conditions which apply to the glass lamps would be very nearly like those which apply to the other lamps.

531. Is the china a cover in some cases for a metal reservoir?—In that case we should reckon it a metal lamp if it had a metal reservoir, though it may be contained within an outer covering of china; I see, for instance, on the point of beauty, the artistic point, no difficulty. Some of the safest lamps may be lamps of Doulton ware and other ware of a very beautiful kind; I see no reason why the use of such lamps should not be continued; provided the actual containing reservoir is metal, it may be encased inside china or earthenware.

532. Was care taken to see that the various oils obtained for these experiments were unadulterated?—No, I have never heard of or met with a case of an adulterated burning oil.

533. Do you mean that they do not adulterate them?—I do not think so; I never heard of a case.

Mr. *Jacks.*

534. Do they not adulterate burning oils?—I know of no instance.

535. With inferior oil?—That is mixing; that I should not call adulteration, but mixing.

536. Therefore, if there had been any adulteration, it would have come out when you took these flash-points?—I think so. The flash-points are very high in the case of all the oils. I should take the greatest possible precautions in the way of going to a place where I can satisfy myself that the oils that I obtained were absolutely typical oils.

Mr. *Wootton Isaacson.*

537. They would not be considered a blend?—No.

538. The mixing which my friend speaks of would be a blend?—That would be so. I have never heard of it, but it may exist.

539. You are aware that there are hundreds and thousands of lamps used in small houses for the purpose of heating rooms, portable lamps that you carry about from one room to another in a small stove?—I cannot commit myself as to numbers; I know they are in frequent use.

540. I am acquainted with two or three very large manufacturers who manufacture these small portable stoves; they are used as portable stoves; and I know that many accidents have occurred through these stoves being knocked over; they have got a screw tap only, and the liquid does run out?—The Committee will remember that in the clause I suggested the purposes were comprehensive; that is to say, where mineral oil was burnt for the purposes of illumination, heating, cooking, or otherwise—any purpose.

Chairman.

541. Before you come again, you will make some inquiries and experiments in reference to these portable stoves?—Yes, I will include them in the experiments.

Mr. *Wootton Isaacson.*

542. In making those experiments will you also kindly experiment with a circular wick and with a lamp with and without wicks, and state the probable cost of these lamps after your experiment with the caps with a self-acting cap?—What we call the self-extinguishing apparatus, you mean.

543. You know that in little homes in the country among the labourers they use a paraffin lamp at a cost of something like 11½*d.* or 10*d.*, and there they have no cap whatever, no extinguisher in any way whatever; they are easily liable to be knocked off the table or anywhere else; and then of course the consequences are very serious?—Several such cases happen every day in London, and are amongst those we inquire into.

544. I want to arrive at this: whether in making your experiments you will be able to give us some idea as to whether these lamps could be manufactured with a safety-cap?—That is to say, with a self-extinguishing apparatus. I should like to answer that question by stating that I was present at the Cantor Lectures of the Society of Arts on the subject of petroleum when Mr. Boverton Redmond was the lecturer; and he illustrated a self-extinguishing lamp. He produced a lamp which on being tipped over would be self-extinguishing; and I think he stated that it was the best lamp that he knew of that type. He proceeded with the experiment, threw the light over, and the apparatus did not work, and the lamp was not extinguished. And I may say that I have clearly seen from that time, and all my own knowledge on the subject tends to show me, the great danger of relying for safety upon an extinguishing apparatus.

Chairman.

545. An automatic apparatus?—An automatic apparatus.

Mr. *Wootton Isaacson.*

546. Speaking of your own knowledge, have you ever known a lamp invented from which, when knocked over, the oil does not escape?—I have; but I qualify that by saying that there was this amount of escape, that there was a slight dribble of oil through the wick tube and the wick; the wick practically closed the tube, but there was a small running of the oil through the wick itself.

547. Not anything to cause danger?—No.

548. I think

Captain *Hope.*

548. I think you have alluded to Lord Romilly's accident?—I am perfeetly acquainted with it. I have brought all the facts here in order that you might examine me on that point.

549. Was there sent to the London County Council a report by the secretary and chemist of the Petroleum Association, giving some experiments in order to comment upon certain statements that were made at the inquest; are you aware of anything of that kind?—May I ask you to repeat your question?

550. Are you aware of a report of a series of experiments having been sent to the London County Council by the secretary and chemist of the Petroleum Association, in regard to certain statements that were made at the inquest on Lord Romilly?—Certain statements made by me? I am; I have them here.

551. Have you the report?—I have.

552. Could you put it in before the Committee?—I have only the one copy which belongs to the Council. I might suggest that you should call upon the Association to put in their own report; but I can do it, if the Committee order me, at once.

553. I have a copy of it here. Was not the first conclusion to which Mr. Fox, the secretary and chemist of the Association, came this, that "High class oils are in every way safer than low class oils, no matter what kind of lamp they are burned in"?—Yes, he does states that, at the end of his Report.

Mr. *Jacks.*

554. Do you agree with that?—I can only repeat what I have so often said before, that if used in unsafe lamps, I do absolutely agree with it; but that, if the lamp is perfectly safe, that covers the whole field.

Captain *Hope.*

555. Of course, there are other conclusions in this Report which are all, no doubt, good, from their own point of view. Is there not another conclusion, "That no lamp can be turned low without increasing the risk of an accident"?—There is a statement of that sort; yes.

556. Do you agree with it?—I do not. I think that you might turn a safety lamp low with perfect security; a properly constructed one.

557. Is it not the fact, that a great many of the accidents that occur, lamp explosion accidents, are reported as having occurred from the wick having been incautiously turned low, or from the flame being blown upon?—I am not aware that that is so. I put in a return of fatal accidents that happened in London, and the causes are stated in that in each case. I have no doubt that that may be, and is an exciting cause of explosion in some cases. The opening of a door, the opening of a window, a sudden draught, a movement of the lamp, or many other temporary causes, might be the actual exciting cause which drove the flame back upon the vapour, or drove up the vapour upon the flame and brought them into communication.

558. That is as regards blowing down?—That is one of many causes.

559. Then, as regards the incautious turning down, is not that a frequent cause of accident?—I have heard of cases where the wick has been so far turned down as to go below the wheel and fall into the reservoir, so that the actual burning wick is in the reservoir.

Chairman.

560. Then there was no metallic tube in that case?—No, in none of these cases. The metallic tube would absolutely prevent this in every case.

Captain *Hope.*

561. May I ask you whether that is the same report as you have (*handing a report to the Witness*)?—I believe that to be the same report. It is headed "Petroleum Association. Secretary's Report on burning Oils and Lamps," dated January 1892. I will hand it in. I should like to say, with reference to this report, that I notice in experiment number one that after burning six hours the temperature of the oil is stated to have been raised only $3\frac{1}{2}°$ Fahrenheit. The experiments that I have reported to the Committee to-day do not at all confirm that. I myself cannot understand how it is possible to burn a lamp of this sort, raising the temperature $3\frac{1}{2}°$ only; therefore I cannot in any way be said to assent to these experiments.

Chairman.

562. You put the document in, but you do not vouch at all for the accuracy of those?—Nor do I express any agreement.

Mr. *Paulton.*

563. In answer to Question 381 the other day you said that you were of opinion that the most serious public danger is in the use of unsafe lamps; will you look at your answer to Question 381?—Yes, I am doing so.

564. Is the Committee to understand from that that you regard the question of lamps as more important than that of storage and conveyance?—Yes, unquestionably, for the reason that deaths are constantly happening from the one cause and not from the other. Accidents are constantly happening from the one and not from the other, so we do regard unsafe lamps as the most serious pressing danger.

565. I think questious which have been asked to day with reference to your evidence cover all the points I wanted to ask you about; but, with regard to your suggested clause for supervision and control by the Home Office in this matter, I think to-day you have a little extended the view entertained by the Home Office on this subject as to their approval of your suggestions. With reference to your particular clause, do you attach particular importance to the word "specifications" which you have used; that is to say, do you propose that the Home Office should specify the actual construction of a lamp which is to be permitted or authorised?—No, I only suggest that they should specify the primary conditions with which every lamp must comply.

Chairman.

566. I suppose you will say that the reservoir shall be metal, shall be strong to prevent explosion,

Chairman—continued.

plosion, and that there shall be a tube; those are amongst the conditions?—Yes. I think, as I stated last week, that if the Home Office began by requiring that all petroleum lamps kept for sale or sold should have strong metal reservoirs and wick tubes, and that the burner should be securely attached to the reservoirs, that would be all you would be called upon to do. I think everything else would come of itself.

Mr. *Paulton.*

567. You would be satisfied with a clause dealing, in the words you used to-day, with first principles?—Yes.

568. You do not place particular importance upon the actual wording of your clause as it stands?—No, not at all.

569. You will admit that it would be a tolerably wide extension of duty and responsibility to place on a public department?—No; there I am afraid I cannot agree with you. Of responsibility possibly; but the amount of work it would entail on the department would in my opinion be small, and not at all onerous, not at all difficult.

570. That was not exactly my point; it had reference more to where you would stop in such matters. Why should not patents for machinery be submitted for approval? The case is different from those which come under the Explosives Act. However, I think that your explanation of what you intend by your clause that is sufficient. But I should like to ask you this: In your opinion the conditions of safety are very easily defined?—Very easily.

571. In that case could not safety be put in an Act of Parliament?—I feel this difficulty, that it would be urged against that Act that improvements, something that we know nothing of now, might be brought forward, and that the inventor would be shut out by a tight Act of Parliament; and for that reason, and for that reason only did I suggest that the duty should be cast upon the Secretary of State.

572. But until the Secretary of State had altered the regulations which he has laid down, such inventor would under your proposal be excluded?—Undoubtedly; but it would be a comparatively easy thing for the Secretary of State to issue an order which would cover a new invention which he believed to be safe; and it might be a matter of great difficulty to bring in an Act of Parliament and get it through the House. One thing would be perfectly easy, and the other very difficult. Let me give an actual example. The Board of Agriculture, for instance, are constantly issuing orders which I carry out in London; and the Home Office the same.

Mr. *Jacks.*

573. Every time a new Act would be required, if it were done by Parliament?—Yes. I merely suggest that you should apply to petroleum lamps a principle which is being acted upon, and successfully acted upon, day by day. I know of no difficulties in doing so.

Mr. *Paulton.*

574. I should like to have it from you if the answer which you gave to the Right honourable Chairman earlier in the day as to the assent or the approval given by the Home Office to your proposed clause is to be taken in the spirit in which you have just answered my question?—That is so.

Chairman.

575. I believe you came here to-day prepared to make some statement with respect to the accident to Lord Romilly?—I did; I understood that the Committee desired some information upon that point.

576. Will you be so good as to give us what you desire to say?—On 23rd May 1891, Lord Romilly, at his house, 38, Egerton Gardens, upset a petroleum lamp in his study. He had been reading some time; the lamp had been lit for some hours, and in rising he upset the lamp; he was surrounded by books and papers; the lamp was one of Hinck's duplex patent lamps with a reservoir of metal; it was not a safety lamp inasmuch as it had no wick tube, nor was the burner properly attached to the reservoir. The attachment was what is known as a bayonet catch; it was not screwed in, and in falling the projecting handles by which the wick is turned and regulated must have caught a book-board or something projecting, and unfastened the catch; so that when the lamp reached the floor the oil was thrown out and over the books and papers immediately surrounding. The vapour of the lamp, or the oil of the lamp at once became ignited, and a fire took place. Lord Romilly succeeded in getting out of the room, but in the end he was overpowered by the fumes and killed, and two other persons in the house were killed. The instructive point of the accident is, that the flashing point of the oil was 110° Abel test, and the case is valuable as an illustration of the fact that it does not do to rely absolutely upon the flashing point as a safeguard in the use of oil in lamps. It has been urged that if the oil had been not in a metal reservoir, but in a glass reservoir, the accident would not have occurred, because the oil would not have become heated. My answer to that is, that on precisely the same day two years before, the 23rd of May 1889, under the same circumstances, and to the same man, a similar accident did happen. The oil used then was also 110° Fahrenheit; and on that occasion the reservoir was a glass one, and in that case also the house was set on fire, and Lord Romilly was seriously injured. The conditions were precisely the same in both accidents, the only difference being that, on the first occasion the reservoir was a glass one, while on the second occasion it was a metal one.

577. But your experiments, of which you have spoken to day, prove, do they not, that glass reservoirs do raise the temperature?—Undoubtedly; it is only a question of extent.

578. Though not to the same extent they raise the temperature considerably?—Yes. The value of this illustration, is in the fact, that here was a well-constructed lamp used by a nobleman; it was of glass, and he was using what is called safety oil flashing at 110°; notwithstanding that, the accident happened; and using precisely the same oil, that is oil also flashing at 110°, two years afterwards, but with

Chairman—continued.

with a metal reservoir, the conditions were repeated.

Mr. *Jacks.*

579. The flashing point had absolutely nothing to do with that accident?—That may be; but the accident happened. We deal with the facts as they occur.

Chairman.

580. We are very much obliged to you for the valuable evidence which you have given to us, and when the Committee is reappointed we shall hope that you will have completed your experiments and give us the benefit of any further information that your present examination may have suggested to you.

Mr. JOHN YOUNG called in; and Examined.

Chairman.

581. YOU are the General Manager, I think, of the Linlithgow Oil Company?—I am.

582. And you are also the delegate from that Company at the meetings of the Scottish Mineral Oil Association?—I am.

583. Now, will you give us any facts that may be in your possession with respect to the various companies composing the Scottish Mineral Oil Association?—Yes.

Mr. *Jacks.*

584. How long have you been connected with the trade?—For about 16 or 17 years. The whole of the Scottish Oil Companies, with the exception of two, are members of the Mineral Oil Association, and they meet at regular intervals for the purpose of discussing all questions affecting the trade. I do not know if it is necessary, but I can give you the capital of the companies, and the output of oil by the whole of the companies, and information of that kind, if you desire it.

Chairman.

585. Will you give us the output. What is the amount of the manufacture?—The total shale that is taken out per annum by the whole of the Scotch Companies is about 2,000,000 tons, and the crude oil made from the shale is about 50,000,000 gallons. About a third of that quantity is lamp oils.

586. The other two-thirds being what?—The other two-thirds are divided into spirits, oils for gas-making purposes, lubricating oils, and solid paraffin; and in addition to that there is obtained a large quantity of sulphate of ammonia, averaging about 50 pounds for every ton of shale distilled.

587. Has the oil trade in Scotland been depressed of late years?—Since 1887 it has been more or less depressed, but it was particularly so during that year.

588. What was the cause of the depression?—The depression was primarily due to the introduction of Russian petroleum into the European markets, and the subsequent fall in the prices of both American and Russian petroleum, and, naturally, of Scotch oils.

589. But the business had been previously, I think, almost exclusively in the hands of the Americans?—Prior to that the business in petroleum was almost entirely in the hands of the Americans. I think it was in the year 1886 that Russian oil began to come into this country.

590. In competition with the Scotch and the American?—But more particularly with the American.

Chairman—continued.

591. What was the effect of the introduction of the Russian oils; a great reduction in price?—A great reduction in price. I may state, however, that the depression of 1887 was not entirely due to Russian competition; it was due probably to a great extent to the larger quantity of solid paraffin that was being made in America. They were able by improved methods to extract more solid paraffin from their crude petroleum, and that came over mainly to this country. It was to the solid paraffin that the Scotch manufacturers looked for their profits, not to the burning oil. The burning oil was at one time the main production, but it became in course of time a by-product, and they relied to a great extent upon their solid paraffin. But in the year 1887 such enormous quantities came that the prices were enormously reduced.

592. It went down from 3*d.* a lb. to 1¾*d.*, did it not?—Yes, having been as high as 4½*d.*

593. This was disastrous to the Scotch trade?—It looked at the time as if it were going to prove disastrous. Fortunately it did not.

594. And as a result of that competition, you did what?—We reconstituted the Mineral Oil Association. It had been in existence fully 10 years prior to that date, but it had only taken cognisance of comparatively unimportant matters, railway carriages, harbour dues, wages of workmen, and such like questions; but it had not in any way desired to deal with the policy of the trade as a whole.

595. The reconstitution of the association would not enable you to raise the price, would it?—No, but it was proposed that we should minimise competition amongst ourselves; that as our competitor was really America, we should seek to diminish the competition which at that time existed amongst ourselves; and so we combined together and fixed minimum prices, and we also entered into communication with the Americans to reduce the output of solid paraffin.

596. Practically, you formed a ring against the public?—We certainly fixed minimum prices for burning oil.

597. By agreement with America?—Not an agreement with them on that point. We had only an agreement with America in regard to the production of solid paraffin.

598. You agreed to limit the output, you say?—To limit the output.

599. And raise the price?—The quantity was far in excess of what the public would take up; it was a drug in the market.

600. Was that the effect of it, that you limited the output and raised the price?—We limited

Chairman—continued.

the output with the object of raising the price. There was no arrangement with reference to paraffin oil or to petroleum; it was only with regard to solid paraffin.

601. And you say, also, in the paper which you have handed to us, that by ecomomies at the works, and the introduction of improved retorts and other machinery, you were able to minimise the loss?—Yes.

602. And recoup yourselves?—Yes.

603. Then the effect of the competition was in every way for the gain of the public?—Well, it was, certainly, as it always is.

604. When you were driven to it you improved your retorts and your other machinery; I think those are your own words?—We did.

605. And you were able thereby to minimise the loss?—Yes.

606. I see in your proof some statement of a conference which you had with Colonel Majendie prior to the Bill of 1891; will you make your own statement upon that?—That matter was referred to by Colonel Majendie in the evidence which he submitted to this Committee, and he points out that the Scotch delegates at that time did not raise the question of the flash-point. I think it is right that I should be perfectly frank and say that there was an understanding with the petroleum people with whom we were acting that the question of flash-point should not at that time be raised.

Mr. *Jacks.*

607. That was the *quid* that you gave for the Americans' *quo* in agreeing upon the price of the solid paraffin?—I suspect that that is the true explanation.

Chairman.

608. Do you know that that was so?—It was merely an understanding; there was no sort of negotiations, but it was understood.

Mr. *Jacks.*

609. There was no written agreement?—There was no written agreement.

Chairman.

610. You were chosen, with three other members of the Scottish Mineral Oil Association, to attend the meeting in London convened by Colonel Majendie?—I was.

611. And what was it you endeavoured to do?—We endeavoured to get the Scottish trade exempted from the operations of the proposed Bill. We pointed out to Colonel Majendie that none of the products made by us except naphtha, for which special regulations existed, could be considered dangerous; that while fires had taken place in various parts of the country, almost none of them could be traced to the use of Scotch oil; and that not a single accident had occurred in the transit of our oil either by sea or land.

612. If you failed to get Scotland exempted, what then?—Then we were to act along with the delegates from the Petroleum Association in opposing the Bill *in toto.*

613. Did you prevail with Colonel Majendie?—We succeeded in getting Colonel Majendie to meet us half-way.

Chairman—continued.

614. In what way "half-way"?—He had fixed the flashing-point of oil that was to be excluded from the operations of the proposed Bill at 200° flash, and we got him to make it 150° flash; but he insisted that along with that it should be of ·840 specific gravity. That enabled us to deal with gas-making oils and with lubricating oils, as if no legislation had been introduced, but our burning oils would have come under the operation of the Bill.

615. Colonel Majendie was inflexible in his resolve to include Scotland in the Bill?—He was.

616. Now, what is it you wish to say with respect to the raising of the flash-point?—Our belief has all along been that oil was perfectly safe when ordinary precautions were taken if it had a flash-point considerably above the temperature of the atmosphere or the temperature of the lamp in which the oil was burnt. By unsafe oil I mean oil which flashes under 100° Fahrenheit close test. There is a consensus of opinion in Scotland that oil which flashes, say, at 73° Fahrenheit is a dangerous oil, and that it should be excluded from the market. So convinced are the manufacturers of this, that many years ago all the companies came under what I might call a self-denying obligation that they would not allow anything to be sent out from their works which flashed under 100° Abel test.

617. Do you mean the Scottish companies?—The Scottish companies.

618. And do you contend that the Scottish companies then could supply the whole market?—By no means; they have never been able to do so.

619. Then would you exclude the American oils and the Russian oils?—Certainly not. I would exclude all oils that flashed below 100°.

620. Wherever they came from?—Wherever they came from.

621. What would be the effect of that on the price of oil?—It would be comparatively nil. I do not see how there can be any increase in the cost of producing petroleum with 100° flash-point. I know that in our works we can produce oil of any flash-point we please without any extra expense. Where I think the main effect would be is in the decreased quantity of oil that the Americans would naturally be able to make. We find on re-distilling petroleum of 73° to 76° flash-point that if we take out 5 to 10 per cent. of naphtha we get a perfectly safe oil.

Sir *Henry Roscoe.*

622. How much is the flash-point when you take that 5 per cent. of naphtha out?—It was found in a series of experiments that distilling American petroleum the flash-point was raised 3° in the early stages, and 4° in the later; and taking petroleum of a specific gravity of ·798 and a flash-point of 76°, and distilling off 5 per cent. of naphtha, left the oil with a specific gravity of ·803 and of 95° flashing-point.

Chairman.

623. Without increasing the cost?—That operation would be done as a separate operation in

Chairman—continued.

in Scotland; but the Americans can distil a little further and make the oil of ·803 specific gravity, and 95° flash-point.

624. Without increasing the cost?—Without in any way increasing the cost, as far as I know.

Sir *Henry Roscoe.*

625. You mean this: that in the process of distillation they should begin to collect when the oil comes over to rather a higher point than they do now?—Yes.

626. All that is material is to be distilled, but it would not increase the cost; but, as you explained, the material which they send over would contain less naphtha or less spirit, and would therefore, in so far, be somewhat more costly than it is at the present moment; is that the position you take?—Precisely so. There would be the difference in the price of naphtha as compared with oil; they would, of course, have the naphtha in lieu of the burning oil.

627. And the price of naphtha is lower than the price of burning oil?—I think, at present, they are very much the same.

Colonel *Palmer.*

628. Would the quantity taken out, the 5 per cent. only, represent the diminution in the quantity supplied by naphtha?—Yes. In the test I have given you the flash-point is raised to 95°; you would have to take out between 5 and 10 per cent. in order to make the minimum 100°.

629. And to that extent the output would be diminished?—In America.

Chairman.

630. I have a letter here supplied by Mr. Graham Young; have you seen it at all?—I have.

631. Does this letter practically represent the views of the Association?—No, I would not say that; for Mr. Graham Young has nothing whatever to do with the Association. He sends that out as a private individual, and I got a copy.

632. He says here: "In 1874 there were imported into London 247,024 barrels, average price 10½*d.* per gallon; in 1893 the quantity had increased to 1,515,607 barrels, average price 3¼*d.* per gallon." There was a reduction of a very enormous character, you see. The price in 1874 was 200 per cent. higher than in 1893?—That is quite true.

633. You agree with that?—I agree with that.

634. And it is an advantage, is it not, a great advantage to the poor consumer that he should have it cheap?—Certainly; and I may state, in the most positive manner, that I would propose nothing whatever that would deprive the poor man of his cheap oil. If I believed, and if the members of the Scottish Mineral Oil Association believed, that the raising of the flash to 100° would mean the stoppage of the importation of foreign oils into this country except at prohibitive

Chairman—continued.

prices, we would rather accept things as they are on the ground that the benefits would outweigh the danger.

635. Now, you heard the examination of the last witness to-day, Mr. Spencer?—His cross-examination to-day, yes.

636. And you have heard his statement that the danger in the use of oil is from an improperly constructed lamp rather than from the flash-point of the oil?—Yes, I did.

637. Do you agree with that statement?—I entirely disagree with it.

638. You heard him say that in all his knowledge for the last 10 years of London, with regard to the use of safety lamps he has not known a single accident where a safety lamp, was used; that in all cases the accident arose from a lamp that was not a safety lamp?—I am not entitled to speak on that. I might suggest that it is due to the fact that there are hardly any so-called safety lamps used.

639. Have you tried any experiments with lamps yourself?—Yes.

640. Are you prepared to give us the result of any of your experiments?—I can give you the result of some experiments. At the works of the company with which I am connected we gave a demonstration, a series of experiments, showing the effect of burning various oils in the same class of lamp. We only used the common lamp, not a so-called safety lamp.

641. The common lamp and the ordinary Scottish oil?—And American and Russian oil; we had experiments with all three. I propose to hand in to the Committee a more detailed account of those experiments than I am able to give just now; but I may say that the lamps were lit at the same time and burnt for three or four hours. In the case of Royal Daylight Petroleum, a brand largely used in England and in some parts of Ireland, after the oil had been burning for some hours we tested the temperature in the lamp.

642. How many hours?—I think four hours; I will not commit myself; the paper which I shall hand in will show that. The temperature was found to be 90° Abel test; the Scotch oil was 88°.

Sir *Henry Roscoe.*

643. What was the temperature to begin with, and what to end with. What was it to begin with?—I am not able to give you that, but I will put it in my statement.

Chairman.

644. Then you cannot put in any statement of that kind; your experiment is incomplete?—I can get the whole of that information for you, and will submit it.

Mr. *Jacks.*

645. You have the data, but you have not been able to put them into shape; that is what I understand?—That is so.

LIST OF APPENDIX.

APPENDIX, No. 1.

PAGE

Paper handed in by Mr. Alfred Spencer, 20 July 1894 - - - - - - - - - - - 51

APPENDIX, No. 2

Paper handed in by Mr. Alfred Spencer, 20 July 1894 - - - - - - - - - - - 52

APPENDIX, No. 3.

Paper handed in by Mr. Alfred Spencer, 27 July 1894 - - - - - - - - - - - 55

APPENDIX, No. 4.

Paper handed in by Mr. Alfred Spencer, 27 July 1894 - - - - - - - - - - - 56

APPENDIX, No. 5.

Paper handed in by Colonel Majendie, C.B., 20 July 1894 - - - - - - - - - - - 60

APPENDIX, No. 6.

Paper handed in by Colonel Majendie, C.B., 27 July 1894 - - - - - - - - - - - 67

A P P E N D I X.

APPENDIX, No. 1.

PAPER handed in by Mr. *Alfred Spencer*, 20 July 1894.

LONDON COUNTY COUNCIL.

Public Control Department,
21, Whitehall Place, S.W., July, 1893.

PETROLEUM LAMPS.

IN view of the numerous fatal and other accidents caused by petroleum lamps, the Council considers it desirable to make public the following suggestions which are partly founded on recommendations made by Sir *Frederick Abel*, C.B., D.C.L., F.R.S., and Mr. *Boverton Redwood*, F.I.C., F.C.S., after investigating the causes of lamp accidents.

SUGGESTIONS as to the Construction and Management of Petroleum (or Paraffin) Lamps.

CONSTRUCTION OF LAMPS.

1. The wick should be enclosed in a tube of thin sheet metal, open at the bottom. This wick tube should reach almost to the bottom of the reservoir containing the oil.

2. The oil reservoir should be of metal, and not of china, glass, or other fragile material.

3. The upper part of the lamp which comprises the burner, wick tube, &c., should be constructed to securely screw into the metal reservoir.

4. The oil reservoir should have no feeding-place nor opening other than the opening into which the upper part of the lamp is screwed.

5. Every lamp should have a broad and heavy base and a proper extinguishing apparatus.

WICKS.

6. Wicks should be soft, and not tightly plaited, and should quite fill the wick holder without having to be squeezed into it.

7. Wicks should be dried at the fire before being put into lamps, and should be soaked with oil before being lit.

MANAGEMENT.

8. The reservoir should be quite filled with oil every time before using the lamp.

9. The lamp should be kept thoroughly clean, all oil should be carefully wiped off, and all charred wick and dirt removed before lighting.

10. When first lit, the wick should be partially turned down, and then slowly raised.

11. Lamps which have no extinguishing apparatus should be put out as follows: The wick should be turned down until there is only a small flickering flame, and a sharp puff of breath should then be sent across the top of the chimney, but not down it.

12. Cans or bottles used for oil should be free from water and dirt, and should be kept thoroughly closed.

Alfred Spencer, Chief Officer.

Note.—These suggestions apply to ordinary petroleum or paraffin lamps such as are generally used, and not to benzoline or spirit lamps.

APPENDIX, No. 2.

PAPER handed in by Mr. *Alfred Spencer*, 20 July 1894.

41 Fatal Lamp Accidents, involving 48 Lives.

FATAL LAMP ACCIDENTS which occurred in the County of London during the Year ended 31st March 1894.

Remains of Lamp obtained in cases marked *.

Number of Case.	Date of Accident.	Name of Person Fatally Injured, and Address where Accident occurred.	Description of Accident.	Description of Lamp.	Nature of Oil, and Flashing Point.
1	6 April 1893	Mrs. Baker, 119, Hornsey-road, Islington.	Lamp upset, and reservoir broken.	Ordinary lamp, with reservoir of thin porcelain.	—
2	1 April „	Elizabeth Ward, 1, Hamilton-terrace, Pope-street, New Eltham.	- - ditto - ditto - -	Lamp with glass reservoir.	—
3	24 April „	Elizabeth Clement, 2A, Annis-road, Victoria Park-road.	- - ditto - ditto - -	- - ditto - ditto.	—
4	15 May „	Florrie Manning, 15, Retcar-street, Dartmouth Park Hill.	- - ditto - ditto - -	- - ditto - ditto.	—
5	20 May „	Hannah Wyatt, 1, William-street, Rotherhithe.	Lamp dropped from hand and set fire to woman's clothes.	Cheap hanging lamp, made entirely of tin, and costing about 8½*d*.	—
6	20 May „	Jane Williams, 12, Henry-street, Pentonville-road.	Lamp upset, and reservoir broken.	Penny lamp, with glass reservoir.	—
7	20 May „	Coleman Zulinski, 6, Spellman-street, Mile End Old Town.	Lamp thrown down from mantelpiece, and reservoir broken.	Ordinary lamp, with reservoir of fragile material.	—
8	21 May „	Harriett E. Butters, 2, Brigade-street, Blackheath.	Probably caused by upsetting of lamp; reservoir broken. Jury added a rider to verdict, that the sale of such dangerous lamps should be prohibited by legal enactment.	Lamp with opal reservoir.	—
9	23 May „	Harriett Crouch, 201, East-street, Newington.	Lamp upset, and reservoir broken.	Lamp with glass reservoir.	—
10	8 June „	Margaret Payne, 3, Regent-row, Hoxton.	Lamp thrown down (probably).	Construction not given, but was probably of the ordinary kind.	—
11	30 June „	Wm. Nagle, 111, Portobello-road, Notting Hill.	Lamp had been burning all night, and exploded on the woman "blowing down" the chimney next morning. The reservoir was then nearly empty.	Ordinary lamp, with china reservoir.	—

APPENDIX No. 2.—Fatal Lamp Accidents in County of London, Year ended 31 March 1894—*continued.*

Number of Case.	Date of Accident.	Name of Person Fatally Injured, and Address where Accident occurred.	Description of Accident.	Description of Lamp.	Nature of Oil, and Flashing Point.
*12	27 June 1893	Caleb Taylor, 46, Manley-street, Regent's Park, N.W.	Lamp exploded on the wick being lowered at a time when reservoir was nearly empty of oil. Jury added a rider to verdict, asking Council to urge Government to prohibit the sale of unsafe lamps.	Ordinary lamp, with china reservoir.	84° F.
13	4 Aug. „	Jane Rutter, 63, York-street, York-road, Lambeth.	Lamp thrown down - -	Lamp with china reservoir.	—
14	19 Aug. „	Hannah Lovelock, 4, Colliers-rents, Southwark, S.E.	- - ditto - - - - -	Lamp with thin glass reservoir.	—
15	19 Aug. „	Frederick Mann, 79, Allcroft-road, Kentish Town.	Lamp exploded on wick being sharply lowered when reservoir was nearly empty. Lighted wick probably dropped into reservoir.	Ordinary lamp, with glass reservoir.	—
*16	11 Oct. „	Major Gen. Rowland Farrer, 56, Grafton-street, Fitzroy-square.	Lamp upset and furniture burned.	Lamp with glass reservoir and duplex burner.	74° F.
17	25 Oct. „	George Wm. Millege, aged 2¼ years, 26, Hildreth-street, Balham.	Child pulled lamp off the table upon himself.	Lamp had a brass reservoir, and was usually suspended in hanging bracket.	—
18	24 Oct. „	Esther Margaret James, 120, Lorrimore-road, Walworth.	Lamp set fire to woman's hair.	Penny lamp, with glass reservoir.	—
19	3 Nov. „	Mr. Baker and his daughter Phœbe, aged 8, 13, Osborne-buildings, Bermondsey New-road.	Lamp thrown by Jane Baker at her husband.	Lamp with glass reservoir.	—
20	10 Nov. „	Sarah Ann Rollinson, 1, Beckford-square, Old-street, St. Luke's.	Lamp exploded; piece of stocking attached to wick to lengthen it. Explosion probably caused by sudden draught from window.	Ordinary lamp, with glass reservoir and heavy circular metal base.	—
21	17 Nov. „	Ellen Wellbrook, 31, Orchard-road, Plumstead.	Lamp upset and reservoir broken.	Lamp had a glass reservoir.	—
22	6 Nov. „	Sarah Ann Beeson, 88, Lindford-street, Stewart's-road, Battersea.	- - ditto - ditto - ..	Penny glass lamp.	—
23	23 Nov. „	Harriett Swain, aged 69, 17, Cambridge-terrace, Victoria-road, Peckham, S.E.	Lamp upset and reservoir broken by falling on fireplace.	Lamp with glass reservoir.	—
*24	9 Dec. „	Henry Edward Marson, aged 25, and his daughter, Emily Esther Marson, aged 21 months, 19, Buxton-street, Clerkenwell.	Lamp upset off table - -	Ordinary lamp, with glass reservoir.	—
25	18 Dec. „	Catharine Rimmer, aged 75, 19, Keppell-street, Chelsea.	Accident probably caused by the upsetting of a lamp, reservoir broken.	Small penny glass lamp.	—
26	30 Dec. „	Julia Charrig, aged 36, 132, Drayton Park, Islington, N.	Lamp upset and reservoir broken. Jury expressed the opinion, that only lamps with metal reservoirs should be sold.	Ordinary lamp, with earthenware reservoir.	—

APPENDIX No. 2.—Fatal Lamp Accidents in County of London, Year ended 31 March 1894—*continued.*

Number of Case.	Date of Accident.	Name of Person Fatally Injured, and Address where Accident occurred.	Description of Accident.	Description of Lamp.	Nature of Oil, and Flashing Point.
* 27	7 Jan. 1894	Barnard Barnard and his wife, 20, Shepherd-street, Spitalfields.	Lamp upset and reservoir broken.	Lamp with glass reservoir.	—
28	8 Jan. „	John Skehan, aged 21, 20, Longhedge-street, Battersea.	- - ditto - ditto - -	- - ditto.	—
29	27 Jan. „	Mrs. Lipschitz, aged 50, 11, St. John-street, Bricklane, Spitalfields.	- - ditto - ditto - -	Described as a petroleum oil lamp ; probably ordinary kind, with fragile reservoir.	—
30	27 Jan. „	John Salter, 8, Stebbing-street, Notting Hill.	- - ditto - ditto - -	Lamp with glass reservoir.	—
31	17 Feb. „	W. Brown, 4, Dye House-lane, Old Ford-road.	- - ditto - ditto - -	- - ditto.	—
32	17 Feb. „	E. Josephine Battey, aged 28, 1, Arthur-street, Camberwell.	Lamp upset off ricketty table ; reservoir broken.	- - ditto.	—
33	26 Feb. „	Fanny Watts, aged 5, 36, Woods-place, Grange-road, Bermondsey.	Lamp upset ; bed set fire to, and child burnt.	Lamp with metal base and opal reservoir.	—
34	26 Feb. „	Albert Edward Cox, aged 5, 60, Bevenden-street, Hoxton.	Lamp upset off table ; reservoir broken.	Ordinary lamp, with glass reservoir.	—
* 35	24 Mar. „	Stephen Croker, aged 36 ; Jessie Croker, his wife, aged 31, and three children, aged 7, 4, and 2 years, 11, Northampton-street, Clerkenwell.	Lamp upset ; house took fire Jury pointed out necessity for legislation to prevent sale of improperly constructed lamps.	Lamp had glass reservoir and narrow base.	—
36	18 Mar. „	Elizabeth Tindall, aged 56, 18, Springdale - road, Stoke Newington, N.	Accident probably caused by lamp tilting over person. Some oil escaped, and fell on woman's dress, which became alight.	Lamp had metal reservoir, but lamp was not so constructed as to prevent the escape of oil on its being upset.	—
37	6 Sept. 1893	Emma Timms, 58, Balham-grove, Balham.	Reported lamp explosion -	Not known.	—
38	- Nov. „	Percy Clements, aged 5, Greenwich.	Dress caught fire - - -	Reported to be a small spirit lamp.	—
39	20 Dec. „	Herbert Mills, Kennington	Reported lamp explosion -	Not known.	—
40	10 Jan. 1894	Rosina Swaine, aged 3, 11, Regent - street, Southampton-street, Camberwell.	Lamp upset - - - -	Small penny glass lamp.	—
41	13 Jan. „	Alfred Frederick George Moss, aged 2, 15, Silver-street, Greenwich.	Lamp upset ; reservoir broken	Small paraffin lamp.	—

N.B.—The accidents numbered 37 to 41 have not been investigated by the officers of the London County Council.

APPENDIX, No. 3.

PAPER handed in by Mr. *Alfred Spencer*, 27 July 1894.

PETROLEUM OIL LAMPS.

TESTING Experiments made at the request of the Select Committee on Petroleum to ascertain the Increase in degrees of Temperature of Petroleum Oil in Lamps with and without safety-wick tubes.

The tests were made on three successive days with Scotch, Russian, and American oils.

The three lamps used were of the same size and character, with reservoirs of about one quart capacity, duplex burners, and self-extinguishing apparatus.

TUESDAY, 24th JULY 1894.

Scotch Oil.—Young's paraffin oil, purchased at shop in Blackfriars-road, at cost of 8*d.* per gallon.
Flashing point of oil, 110° Fahr. (Abel). Lamps lit at 11 o'clock a.m., and extinguished at 4 p.m.
Temperature of room at commencement of test, 66°.
Temperature of room at conclusion of test, 75°.

	Temperature of Oil in Degrees Fahr.		
	On Lighting.	After burning 5 Hours.	Increase of Temperature.
No. 1.—Lamp with glass reservoir, without wick tube - - -	65	81	16
No. 2.—Lamp with metal reservoir, without wick tube - - -	65	87	22
No. 3.—Lamp with metal reservoir, with wick tube - - -	65	99	34

WEDNESDAY, 25th JULY 1894.

Russian Oil.—"Nobel" brand, obtained from St. Leonard's Wharf, Brunswick-road, Poplar. Price, 4*d.* per gallon.
Flashing point of oil, 91° Fahr. (Abel test). Lamps lit at 11 o'clock a.m., and extinguished at 4 p.m.
Temperature of room at commencement of test, 71°.
Temperature of room at conclusion of test, 78°.

	Temperature of Oil in Degrees Fahr.		
	On Lighting.	After burning 5 Hours.	Increase of Temperature.
No. 1.—Lamp with glass reservoir, without wick tube - - -	70	84	14
No. 2.—Lamp with metal reservoir, without wick tube - - -	70	92	22
No. 3.—Lamp with metal reservoir, with wick tube - - -	70	101	31

THURSDAY, 26th JULY 1894.

American Oil.—"Tea Rose" brand, obtained from Anglo-American Oil Company's Wharf, Ailsa-street, Poplar. Price, 4*d.* per gallon.
Flashing point of oil, 82° Fahr. (Abel test). Lamps lit at 11 o'clock a.m., and extinguished at 4 p.m.
Temperature of room at commencement of test, 70°.
Temperature of room at conclusion of test, 75°.

	Temperature of Oil in Degrees Fahr.		
	On Lighting.	After burning 5 Hours.	Increase of Temperature.
No. 1.—Lamp with glass reservoir, without wick tube - - -	69	83	14
No. 2.—Lamp with metal reservoir, without wick tube - - -	69	89	20
No. 3.—Lamp with metal reservoir, with wick tube - - -	69	97	28

Alfred Spencer,
Chief Officer, Public Control Department, London County Council.

APPENDIX, No. 4.

PAPER handed in by Mr. *Alfred Spencer*, 27 July 1894.

PETROLEUM ASSOCIATION.

Secretary's Report on Burning Oils and Lamps.

1. Duplex lamp with glass reservoir; superfine white oil, flashing at 114° Fah.; and having a specific gravity at 60° Fah. of ·788 :—

Quantity of oil contained in lamp, 1½ pints; temperature of oil at commencement of burning 66° Fah.; after burning six hours, temperature was found to be 69·5° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	30·0	28·5	26·0	26·0	23·0	20·0

Grains of oil consumed per hour per candle power of light obtained - - - 54·5 grains.

Composition of gas contained in lamp after burning six hours :—

Oxygen	19·76 per cent.
Nitrogen	80·24 „
Hydrocarbon gas (petroleum vapour)	None „

Temperature to which lamp reservoir has to be heated when containing 25 per cent. of oil on its capacity, to form an explosive mixture, and composition of gas thus formed :—

Temperature in lamp reservoir at which gas explodes - - - - - - 143° Fah.

Composition :—

Oxygen	15·2 per cent.
Nitrogen	60·8 „
Hydrocarbon gas (petroleum vapour)	24·0 „

2. Duplex lamp same as No. 1; oil used bought for 4½*d.* per gallon at oil shop in Mile End-road, flashing at 83° Fah.; colour, prime white; specific gravity at 60° Fah., ·822 :—

Temperature of oil at commencement of burning, 66° Fah.; after burning six hours, temperature was found to be 69·5° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	24·5	24·5	24·0	24·0	20·0	20·0

Grains of oil consumed per hour per candle power of light obtained - - - 57·7 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	19·5 per cent.
Nitrogen	78·2 „
Hydrocarbon gas (petroleum vapour)	2·3 „

Temperature to which lamp reservoir has to be heated when containing 25 per cent. of oil on its capacity, to form an explosive mixture, and composition of gas thus formed :—

Temperature in lamp reservoir at which gas explodes - - - - - - 91° Fah.

Composition :—

Oxygen	12·5 per cent.
Nitrogen	50·6 „
Hydrocarbon gas (petroleum vapour)	37·5 „

3. Duplex

3. Duplex lamp, same as No. 1; oil, American, bought for 7*d.* per gallon at oil shop in West Ferry-road, Millwall; flashing at 79° Fah.; colour, prime white; specific gravity at 60° Fah., ·799 :—

Temperature of oil at commencement of burning, 68° Fah.; after burning six hours, temperature was found to be 71·5° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	26·9	26·9	24·4	20·0	20·0	18·5

Grains of oil consumed per hour per candle power of light obtained - - - 60·3 grains.

Composition of gas per cent. contained in lamp reservoir after burning six hours :—

Oxygen	19·2 per cent.
Nitrogen	78·0 „
Hydrocarbon gas (petroleum vapour)	3·8 „

Temperature to which lamp reservoir has to be heated when containing 25 per cent. of oil on its capacity, to form an explosive mixture, and composition of gas thus formed :—

Temperature in lamp reservoir at which gas explodes - - - - - - 90° Fah.

Composition :—

Oxygen	13·08 per cent.
Nitrogen	52·32 „
Hydrocarbon gas (petroleum vapour)	34·60 „

4. Single wick tin hanging lamp, said to have been in use from three to four years; oil used, same as No. 1.

Temperature of oil at commencement of burning, 66° Fah.; after burning six hours, temperature was found to be 72° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	11·25	11·0	10·5	10·5	10·5	10·5

Grains of oil consumed per hour per candle power of light obtained - - - 61 grains.

Composition of gas per cent. contained in lamp reservoir after burning six hours :—

Oxygen	19·76 per cent.
Nitrogen	80·24 „
Hydrocarbon gas (petroleum vapour)	None.

5. Lamp same as No. 4, with oil same as No. 2.

Temperature of oil at commencement of burning, 67° Fah.; after burning six hours, temperature was found to be 76° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	8·5	8·5	8·5	8·5	8·5	8·5

Grains of oil consumed per hour per candle power of light obtained - - - 58 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	18·7 per cent.
Nitrogen	75·1 „
Hydrocarbon gas (petroleum vapour)	6·2 „

6. Lamp same as No. 4, with oil same as No. 3.

Temperature of oil at commencement of burning, 67° Fah. ; after burning six hours, temperature was found to be 76° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	9·0	9·0	9·0	9·0	9·0	9·0

Grains of oil consumed per hour per candle power of light obtained - - - 62 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	18·6 per cent.
Nitrogen	74·2 „
Hydrocarbon gas (petroleum vapour)	7·2 „

7. Common single $\frac{3}{4}$-in. wick lamp, glass reservoir, on iron base, said to cost 1*s.* 2*d.*, with oil as No. 1.

Temperature of oil at commencement of burning, 67° Fah. ; after burning six hours, temperature was found to be 71° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	12·75	12·5	12·0	12·0	12·0	12·0

Grains of oil consumed per hour per candle power of light obtained - - - 60 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	19·76 per cent.
Nitrogen	80·24 „
Hydrocarbon gas (petroleum vapour)	None.

8. Lamp same as No. 7 ; oil same as No. 2.

Temperature of oil at commencement of burning, 67° Fah. ; after burning six hours, temperature was found to be 72° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	9·0	9·0	9·0	9·0	9·0	9·0

Grains of oil consumed per hour per candle power of light obtained - - - 57 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	18·6 per cent.
Nitrogen	74·7 „
Hydrocarbon gas (petroleum vapour)	6·7 „

9. Lamp same as No. 7 ; oil same as No. 3.

Temperature of oil at commencement of burning, 67° Fah. ; after burning six hours, temperature was found to be 73° Fah.

Rate of burning :—	At end of 1st Hour.	2nd Hour.	3rd Hour.	4th Hour.	5th Hour.	6th Hour.
Illuminating power in standard sperm candles	10·0	10·0	10·0	10·0	10·0	10·0

Grains of oil consumed per hour per candle power of light obtained - - - 61 grains.

Composition of gas contained in lamp reservoir after burning six hours :—

Oxygen	18·60 per cent.
Nitrogen	74·36 „
Hydrocarbon gas (petroleum vapour)	7·00 „

RESULTS of Experiments on burning Oil in various Lamps, with Flame turned below the Dome.

With duplex lamp and superfine white oil, the burner became distinctly warm, but the oil in the reservoir did not rise in temperature. No vapour of petroleum was contained in the reservoir after burning six hours.

With common tin lamp the wick became charred, and the whole lamp and contents had a temperature of 96° Fah.; the gas remaining in the reservoir contained 12·8 per cent of petroleum vapour, but was non-explosive.

With common oil this lamp stunk very much whilst burning, became hot, and the reservoir contained an explosive mixture of air and petroleum vapour.

Lamp on iron base when burning common oil behaved in a curious way; it stunk more than the tin lamp, and the vapour and gases generated from the combustion, instead of passing up through the chimney, descended through the burner air-holes, and in a quiet atmosphere formed an explosive mixture of gases outside of the lamp, which, in fact, did explode.

The conclusions to which I have come as a result of the experiments recorded, are shortly as follows :—

1. High-class oils are in every way safer than low-class oils, no matter what kind of lamp they are burned in.

2. That the construction of a lamp has more to do with safety than the oil; that is to say, a good lamp will burn any merchantable oil with safety.

3. That a lamp with a glass reservoir, on account of its non-conductivity of heat, is much less dangerous than is a lamp with a metallic reservoir.

4. That no lamp can be turned low without increasing the risk of an accident.

5. That to turn a badly-constructed lamp low is absolutely dangerous.

The object the Council had in view in directing these experiments to be made was, whether the statement "that high class oils under certain conditions were no safer than the common oil in general use among the poorer classes," could in any way be justified.

By order,
William Fox, F.I.C.,
Secretary and Chemist.

85, Gracechurch-street, London,
January 1892.

APPENDIX, No. 5.

PAPER handed in by Colonel *Majendie*, C.B., 20 July 1894.

LONDON.

RETURN of OIL FIRES, and of FIRES in which the Damage was aggravated in consequence of the presence of OIL, from the 1st of January 1871 to 1st January 1891.

DATE.	PLACE.	NAME.	REMARKS.
8 January 1871	Wellesley-road, Haverstock Hill	J. Douglas.	
9 January ,,	Commercial-road, Lambeth	Younghusband & Co.	
26 March ,,	Tabernacle Walk, Finsbury	A. Garrard.	
2 April ,,	Broadway, Westminster	F. Smith.	
14 April ,,	Hackney-road, E.	J. P. Angel.	
26 April ,,	Mile End-road, E.	J. Swain.	
30 April ,,	Beaver-lane, Hammersmith	Pinchin, Johnson & Co.	
27 May ,,	Old Kent-road, S.E.	F. W. Judd.	
1 June ,,	Whitfield-street, Tottenham Court-road	G. L. Grosch.	
2 June ,,	Leader-street, Marlborough-road, Chelsea	R. J. Evans.	
11 July ,,	Charlotte-street, Blackfriars	F. White.	
20 July ,,	Lower Wandsworth-road, S.E.	T. P. Austin.	
28 July ,,	Lombard-road, Battersea	J. Freeman and Sons.	
2 August ,,	Whitechapel-road, E.	C. Brandum.	
29 August ,,	Rotherhithe-street, S.E.	E. H. Rouse.	
1 September ,,	Wellington-road, Battersea	J. C. and J. Field.	
4 October ,,	Manor-street, King's-road, Chelsea	W. M. Monk.	
8 October ,,	Mitcham-road, Lower Tooting	P. H. Holmes.	
19 October ,,	Old Castle-street, Bethnal Green	B. Cooper.	
19 October ,,	Little Pearl-street, Spitalfields	Prince and Symons.	
28 October ,,	London-road, Southwark	J. Hopkins.	
1 November ,,	New North-road, Hoxton	E. Moffatt.	
18 November ,,	Albert-street, Deptford	G. W. Jones.	
6 December ,,	Wandsworth-road, S.E.	J. Wilson.	
18 December ,,	Winchester-street, Bethnal Green	G. Legmour	1871 - - - 25
2 January 1872	Sidney-street, Commercial-road, E.	H. Jeffery.	
7 January ,,	Dorset-road, Clapham-road	W. H. Hoggarth.	
10 January ,,	Grange-road, Bermondsey	H. Hughes.	
7 February ,,	Horn-lane, Woolwich-road, S.E.	Trestrail, Charles & Co.	
10 February ,,	Horn-lane, Woolwich-road, S.E.	Trestrail, Charles & Co.	
6 March ,,	Bishopsgate-street Without	J. Morgan.	
18 March ,,	Perseverance-street, Dockhead	J. Lee.	
10 April ,,	Trundley-lane, Deptford	A. J. Dickenson.	
13 April ,,	St. John's-place, Harrow-road	B. Goodwin.	
16 April ,,	Wells-street, South Hackney	Peppiatt and Broomham.	
21 April ,,	Green-street, Bethnal Green	G. Cautelo.	
9 May ,,	Wellington-road, Battersea	J. C. and J. Field.	
12 June ,,	Stanhope-street, Euston-road	Walton, Hassell and Port.	
15 June ,,	Cross-street, Blackfriars-road	T. Mogridge.	
19 June ,,	New-road, Whitechapel	W. J. Whipps.	
29 June ,,	Davis-terrace, Manchester-road, Cubitt Town	D. R. Jones.	
1 July ,,	Southgate-road, De Beauvoir Town	W. Thomas.	
8 July ,,	Lower Wandsworth-road, Battersea	J. Balsford.	
20 July ,,	High-street, Notting Hill	S. T. Rowley.	
16 August ,,	Albert-terrace, Lower-road, Rotherhithe	M. Harmer.	
29 August ,,	Mill-lane, Bromley, E.	J. Jayes & Co.	
13 September ,,	Turner's-road, Bow Common	H. Arundell.	
29 September ,,	Brownlow-street, Haggerston	J. Tucker.	
3 December ,,	Little Pulteney-street, Golden-square	J. Rudmin.	
22 December ,,	New-street, Borough-road	J. Briggs.	
29 December ,,	High-street, Woolwich	R. J. Prentice	1872 - - 26
11 January 1873	Mile End-road, E.	E. R. Goodrich.	
13 January ,,	Edgware-road, W.	E. Wilshin.	
10 February ,,	Coleherne-terrace, West Brompton	T. Elma.	
12 February ,,	Weston-street, Bow Common	The London Hydro-Carbon Oil Company.	
18 March ,,	Old Ford-road, E.	E. Mason.	
22 March ,,	James-street, Crawford-street	D. Shepard.	
1 June ,,	Naylor-road, Commercial-road, Peckham	T. Partner.	

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
17 June 1873	Drummond-road, Bermondsey	E. J. Riches.	
18 June „	Frederick-street, Salmon's-lane, Limehouse	C. W. Escot.	
20 June „	Castle-road, Kentish Town	W. A. Chambers.	
12 July „	Maple-road, Penge	C. Warren.	
15 July „	High-street, Poplar	I. J. Wanstell.	
20 July „	Grange-road, Bermondsey	G. Hammond.	
21 August „	Portland-place, Lower Clapton	W. H. Church.	
27 August „	Newington Butts, S.E.	F. Swindell.	
2 September „	Turk-street, Bethnal Green	C. J. Davies.	
28 November „	Kingsland High-street	T. King.	
29 November „	High-street, Denmark Hill	C. S. Williams	1873 - - - 18
19 February 1874	Crawford-street, Bryanston square	T. Callen.	
29 March „	Barrow Hill Road, St. John's Wood	E. Stockwell.	
18 April „	Plough-road, Rotherhithe	E. Catchpole.	
6 June „	St. George's-street, East	Middleton Brothers.	
16 June „	Plough Bridge, Rotherhithe	H. Dickenson.	
16 June „	Well-street, South Hackney	J. Salmon.	
29 June „	Mare-street, Hackney	E. Harvell.	
7 July „	London-street, Norfolk-square	W. Beamham.	
16 July „	Barnard's Wharf, Thames-street, Rotherhithe	T. Gabriel & Sons.	
24 July „	Duncan-place, Broadway, London Fields	A. Cromack.	
19 September „	Charles-street, Stepney	W. Derby.	
6 October „	Great Suffolk-street, S.E.	C. Gosling.	
22 October „	Mile End-road	E. G. Greenwood.	
27 October „	Blackman-street, Borough	Frank, Livett & Co.	
6 November „	Hill-street, Peckham	W R. Byford.	
23 November „	Wardour-street, Soho	M. Loch.	
26 December „	Paradise-street, Lambeth	C. Ogleby & Co.	1874 - - - 17
14 January 1875	Bethnal Green-road	J. Farrow.	
28 January „	Kingsland-road	W. E. Fitch.	
26 March „	St. George's street, East	W. Adey.	
27 March „	Trafalgar-road, Greenwich	F. Thomas.	
3 April „	Royal Mint-street, Whitechapel	J. Shaw.	
7 April „	Cedar Row, Lavender Hill, Wandsworth	E. A. Pearce.	
24 April „	Lambeth Walk, S.E.	M. Jones.	
6 June „	Kensington High-street	A. Muhm.	
10 June „	Boundary road, St. John's Wood	M. Chuck.	
18 June „	White Horse-street, Stepney	J. Butler.	
18 June „	White Horse-street, Stepney	J. Loader.	
21 June „	Hoxton-street, Hoxton	R. Lowester.	
21 June „	Commercial-road, Lambeth, S.E.	Younghusband & Co.	
4 July „	Commercial-road, East	T. Chittenden.	
26 July „	Hampstead-road, N.W.	Walton, Hassell and Port.	
15 Augnst „	Rodney-road, Walworth	J. Smith.	
15 August „	Old Bethnal Green-road	V. Lee.	
16 August „	Cable-street, Whitechapel	E. Johnson.	
20 August „	High-street, Stratford	G. Johnson.	
22 September „	Wellington-road, Battersea	J. C. and J. Field.	
27 September „	Beaver-lane, Hammersmith	Pinchin, Johnson & Co.	
2 December „	York-street, Middlesex Hospital	F. W. P. Martin.	
3 December „	Hare-street, Woolwich	H. Rocke	1875 - - - 23
10 January 1876	Baker's-row, Whitechapel	G. Le May.	
11 January „	Richmond-terrace, Uxbridge-road	W. Sykes.	
17 February „	Star-street, Edgware-road	W. Hitchcock.	
11 March „	Earl's Court-road, Kensington	E. H. Scarfe.	
22 March „	Wellington-street, Battersea	J. C. and J. Field.	
25 March „	Hampstead-road, N.W.	Walton, Hassell and Port.	
12 April „	Church-road, Battersea	C. E. Young.	
4 May „	Brompton-road	Walton, Hassell and Port.	
9 May „	Hackney-road, E.	G. Stanton.	
17 July „	New Kent-road, S.E.	C. B. Moody.	
17 August „	Neckinger-road, Bermondsey	Berrington and Sons.	
13 September „	Lower Sloane-street, Chelsea	H. Bagnell.	
21 September „	Auckland-street, Kennington-lane	G. M. White.	
25 September „	Hackney-road, E.	S. P. Sutland.	
30 October „	Railway-place, High-street, Shoreditch	W. C. Miles.	
4 November „	Lower Kennington-lane, S.E.	R. Tiltman.	
17 December „	Union Buildings, Powis-street, Woolwich	J. Mendez.	
30 December „	Lower Sloane-street, Chelsea	S. Foster	1876 - - - 18
4 January 1877	Winkfield-terrace, Wilcox-road, South Lambeth.	A. Sadler.	
6 January „	Hampstead-road, N.W.	Walton, Hassell and Port.	
22 January „	Goldbourne-road, Westbourne Park	L. Hibbard.	
23 January „	Globe Works, Hetscott-road, White Post-lane, Hackney Wick.	Clayton & Co.	
31 January „	John-street, Roupell-street, Lambeth	Tull, Glanville & Co.	
10 February „	Berwick-street, Soho	J. Jones.	
14 February „	Dalling-road, Hammersmith	G. Grout.	
18 February „	Elm-terrace, North End, Fulham	M. Skye.	

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
2 March 1877	Newington Butts, S.E.	R. Egleton.	
13 March ,,	Lower Sloane-street, Chelsea	N. Boatfield.	
27 June ,,	Alven-street, Walworth	R. Medhurst.	
10 July ,,	Locksley-street, Burdett-road	H. Cooper.	
19 July ,,	Cable-street, St. George's, East	J. H. Dand.	
2 August ,,	Trafalgar-road, Dalston	R. W. Hanting.	
24 September ,,	West Ferry-road, Millwall	Fenner Brothers.	
18 December ,,	Three Colt-street, Limehouse	A. Hassell.	
25 December ,,	Maverton-road, Old Ford	W. Tann.	
26 December ,,	Alderney-road, Mile End	W. Pollard	1877 - 18
9 January 1878	Lambeth Lower Marsh	G. Spice.	
22 January ,,	St. Martin's-street, Leicester-square	J. Kendall.	
14 February ,,	Railway Arches, Cobbett-lane, Deptford	Tull, Glanville & Co.	
20 March ,,	Ball's Pond-road, Kingsland	C. Paislow.	
26 March ,,	Walworth-road, S.E.	Walton, Hassell and Port.	
2 April ,,	Crisp-street, Poplar	S. Williams.	
18 April ,,	Orange-street, Southwark	Hall and Sons.	
28 May ,,	Cordover-road, Grove-road, Mile End	Young & Co.	
30 May ,,	Isendune Cottage, Hornsey Rise	Marson and Son.	
25 June ,,	Black Horse-road, Deptford	T. H. Worringham.	
3 July ,,	Nelson-place, St. George's-road, Southwark.	The American Oil and Light Company.	
5 July ,,	Compton-street, Clerkenwell	Smith & Co.	
9 July ,,	High-street, Notting Hill	S. W. Rawler.	
14 July ,,	Bethnal Green-road, E.	A. Pollard.	
16 July ,,	Bridge Field, Wandsworth	Lamb & Co.	
29 July ,,	Queen's-crescent, Haverstock Hill	J. Salmon.	
26 August ,,	Three Colt-street, Limehouse	J. Cuming.	
3 September ,,	Upper Thames-street, City	C. Price & Co.	
5 October ,,	Duckett-street, Stepney	J. Weeden.	
11 October ,,	Little Pearl-street, Spitalfields	Price and Simmons.	
20 October ,,	Abbey-street, Bermondsey	M. Jones and Son.	
20 December ,,	Park-street, Camden Town	W. Jenkins.	
23 December ,,	Gibraltar Walk, Bethnal Green	H. White	1878 - 23
9 January 1879	St. Paul's-road, Bow Common	H. F. Hay.	
19 January ,,	Green-street, Bethnal Green	G. J. Pearce.	
6 March ,,	St. Martin's-street, Leicester-square	J. Kendall.	
10 March ,,	Black Horse-road, Deptford	T. H. Worringham & Co.	
25 March ,,	Beckenham-road, Penge	G. R. Coulthead.	
4 April ,,	Railway Arches, Rolt-street, Deptford	Tayler, Tayler & Co.	
13 April ,,	Ellesmere-street, Poplar	A. Hancock.	
7 May ,,	Peckham Park-road, Peckham	J. Woodgate.	
18 May ,,	Blackfriars-road, S.E.	W. J. Studd.	
7 June ,,	Dyer's-buildings, Gravel-lane, Southwark	Parsons and Fletcher.	
8 June ,,	Upper Kennington-lane	F. Priddy.	
8 July ,,	High-street, Stoke Newington	H. Taffic.	
6 August ,,	Leet-street, King's-road, Chelsea	C. Cathie.	
30 August ,,	Great Cambridge-street, Hackney-road	R. Harrison.	
21 September ,,	Dalby-road, Brixton	E. Hogwood.	
29 September ,,	Jamaica-road, Bermondsey	W. Hayley.	
21 October ,,	Little Pearl-street, Whitechapel	W. & R. Tye.	
21 November ,,	Arnold Broadway, Fulham Fields	J. Glover.	
25 November ,,	Camberwell-road, Camberwell	C. G. White.	
24 December ,,	Whitechapel High-street	J. Patrick	1879 - 20
27 January 1880	Plough Bridge, Rotherhithe	Catchpole and Sons.	
15 February ,,	Long-lane, Bermondsey	J. Fogden.	
22 February ,,	Camberwell-road, Camberwell	F. Sawer.	
15 March ,,	Peter-street, Southwark Bridge-road	J. Dunt.	
12 April ,,	Prince Regent's Wharf, Silvertown	Bure, Bolton and Haywood.	
19 April ,,	Lower Porchester-street, Hyde Park	J. C. Fountain.	
14 May ,,	Bedford-street, Commercial-road, East	H. Ball.	
23 May ,,	Seymour-place, Bryanstone-square	J. S. Buchanan.	
31 May ,,	Inkerman-road, Kentish Town	J. H. Gambell.	
10 June ,,	Lavender-road, Battersea	E. Wilton.	
16 June ,,	Wick-road, Hackney	H. Moody.	
5 July ,,	Roman-road, Old Ford	J. Davis.	
17 July ,,	Green-street, Bethnal Green	W. H. Gravely.	
25 July ,,	Felix-street, Hackney-road	E. Walker.	
11 September ,,	Bury-street, St. Mary Axe	A. G. Soulter.	
19 September ,,	Lisson Grove, W.	W. Ryan.	
24 September ,,	Grundy-street, Poplar	R. J. Moir.	
6 October ,,	Wells-street, Hackney	H. Lanning.	
7 October ,,	Tasman-road, Stockwell	J. Scarfe.	
11 October ,,	Fulham-road	T. Bell.	
19 October ,,	Plough Bridge, Plough-road, Rotherhithe	Catchpole and Sons.	
21 October ,,	Lupus-street, Pimlico	E. Rugg.	
22 October ,,	Tooley-street, S.E.	J. Tolhurst and Sons.	
6 December ,,	Bridge-street, Mile End	A. Walpole	1880 - 24

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
13 January 1881	Artillery-place, Woolwich	W. Bartholomew.	
15 January „	Boundary-street, Shoreditch	R. Brigstock.	
31 January „	St. James-place, Plumstead	J. Sands.	
11 March „	Larkhall-lane, Clapham	W. France.	
16 April „	Vauxhall Bridge road	F. F. Kingsland.	
10 May „	Duckett-street, Stepney	J. Weeden.	
10 May „	Manor-grove, Old Kent-road	W. E. Beardsell.	
20 May „	Paradise-street, Lambeth	Ogleby & Co.	
1 June „	Westbourne-street, Pimlico	J. Price.	
11 June „	Edgware-road	W. Urquhart.	
23 July „	Albert-road, North Woolwich	W. Pain.	
13 August „	Ransleigh-road, Westbourne Park	L. Hibbard.	
26 August „	Old Kent-road, S.E.	J. Granger.	
30 August „	Morris-road, Bromley, E.	C. Sevin.	
15 September „	Morning-lane, Hackney	T. Messenger.	
4 October „	King's-road, Chelsea	J. W. Hughes.	
6 October „	Deptford Lower-road, Rotherhithe	Brandram Brothers.	
21 October „	Commercial-street, Whitechapel	A. Taylor & Co.	
25 November „	Orange-street, Southwark	J. Hall.	
27 December „	Denmark Hill, Camberwell	D. Early.	
30 December „	Queen Elizabeth-street, Horsleydown	W. C. Crosby	1881 - - - 21
14 January 1882	Deptford Lower-road, Rotherhithe	E. J. Skull.	
15 January „	Cyprus-street, Bethnal Green	J. Thornton.	
10 February „	Atlantic-road, Brixton	A. Austin.	
13 February „	Brandon-street, Notting Hill	W. J. Reed.	
17 February „	Black Horse-road, Deptford	T. H. Warringham.	
17 February „	Kentish Town-road, N.W.	T. Morris.	
19 March „	Leman-street, Whitechapel	H. D. Cuff.	
9 May „	Church-street, Stoke Newington	F. A. Burton.	
14 May „	Hazelmere-road, Peckham	E. Gapp.	
27 May „	Deptford High-street, S.E.	W. S. Selby.	
1 June „	Bridge-street, Greenwich	Smith & Co.	
20 June „	Wennington-road, Bethnal Green	J. Beeching.	
22 July „	Vintry Wharf, Upper Thames-street	Sir W. A. Rose & Co.	
10 August „	Railway Arches, Goodson-road, Deptford	H. Walker.	
16 August „	Iron-road, Mitcham	Rolls and Round.	
23 August „	Vintry Wharf, Upper Thames-street	Sir W. A. Rose & Co.	
24 August „	Phipps-street, Curtain-road, Shoreditch	H. Good.	
5 September „	Blackfriars-road, S.E.	R. Morgan.	
11 September „	Wharf-road, Millwall	D. Storer and Son.	
19 September „	Beaufort-terrace, North End-road, Fulham	D. Feldwick.	
1 October „	Rotherhithe-street, Rotherhithe	E. Stevens.	
11 October „	Stamford-street, Blackfriars	W. Lake.	
4 December „	Edward-place, Wotton-road, Deptford	T. Stockman.	
9 December „	Mark's-road, Bermondsey	A. Anderson and Co.	1882 - - - 24
5 January 1883	Great Suffolk-street, Borough	C. Gosling.	
5 February „	Black Horse-road, Deptford	T. H. Warringham.	
8 February „	St. Mark's-road, Notting Hill	A. H. Willing.	
23 February „	Great Dover-street, Borough	H. Warren.	
24 February „	Shadwell High-street, E.	J. W. Henley.	
28 February „	Commercial-street, Whitechapel	A. Taylor & Co.	
7 March „	Bethnal Green-road	W. Turner.	
19 March „	The Pavement, Harlesden Green	W. J. Golley.	
22 March „	West Ferry-road, Millwall	K. J. & H. Fenner.	
23 March „	Great Dover-street, Borough	H. Warren.	
2 April „	Jamaica-road, Bermondsey	W. Hayley.	
22 April „	Deptford Lower-road, Rotherhithe	C. T. Simpson.	
25 April „	Lower Ordnance Wharf, Rotherhithe	Badart & Co.	
25 May „	Wellington-road, Battersea	Bowley & Son.	
9 June „	Upper Ground-street, Blackfriars	Sadler, Frith and Ross.	
13 June „	Cannon-street-road, St. George's, East	M. Lee.	
16 June „	Brixton-road, Brixton	Steane Brothers.	
21 June „	York-road, Battersea	Bobly and Mayes.	
25 June „	Suffrance Wharf, Bermondsey Wall	Cliff, Nicholson & Co.	
30 June „	Seymour-place, Bryanstone-square	M. Gilbert.	
18 July „	Westminster Bridge-road	J. Hart.	
20 July „	Crisp-street, Poplar	J. Andrews.	
26 July „	Neate-street, Camberwell	Clark and Sons.	
13 August „	Cornwall-road, Lambeth	Noble and Hoare.	
13 August „	Commercial-road East	C. T. Millus.	
17 August „	Battersea Park-road	Holles & Co.	
21 August „	Morris-road, Bromley	C. Sevin.	
4 September „	New-street, Dorset-square	C. Green.	
17 September „	Old Kent-road, S.E.	C. Peskett.	
23 September „	Chatsworth-road, Lower Clapton	C. H. Garms.	
15 October „	Wandsworth-road, S.W.	H. Collins.	
13 November „	West Fields, Mitcham	J. Crease and Sons.	
13 November „	Worship-street, Finsbury	F. Martin.	
21 November „	Snows Fields, Bermondsey	H. T. J. Bendy.	

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
7 December 1883	Broadwall, Lambeth	E. Hodder.	
11 December „	Fibra-road, Old Ford	G. Mitchell.	
18 December „	West Ferry-road, Millwall	F. G. Davis.	
31 December „	Anchor and Hope-alley, Wapping	J. H. Nugent	1883 - - - 38
1 January 1884	Market-place, Battersea	L. Cole.	
1 January „	Greenwich-road, Greenwich	F. J. Thomas.	
5 January „	Goldborne-road, North Kensington	C. Rusdell.	
10 January „	Falcon-road, Battersea	A. Faull.	
13 January „	Winston-road, Stoke Newington	G. Woods.	
14 January „	Watney street, Commercial-road, East	E. J. Barbet.	
18 January „	Long-lane, Bermondsey	A. Berry.	
24 January „	Railway Arches, Rolt-street, Deptford	W. T. Harvey & Co.	
25 January „	Fleming's Wharf, Millwall	A. B. Fleming & Co.	
13 February „	Stainsby-road, Poplar	J. Weeden.	
6 March „	Albert-road, North Woolwich	W. Gain.	
7 March „	Sheed-street, Commercial-road, Lambeth	Glanville & Co.	
16 March „	Stepney Green, Mile End-road	J. Carter.	
16 March „	Adam-street, Rotherhithe	R. C. Hillings.	
22 March „	Hatcham-road, S.E.	E. Wood.	
28 March „	St. Mary-at-Hill, City	Palmer & Co.	
24 June „	Catford-road, Balls Pond-road, N.	E. H. Welham.	
8 July „	Wandsworth-road, S.W.	R. Figg.	
9 July „	Jamaica-road, Bermondsey	W. Wayley.	
10 July „	High-street, Marylebone	A. W. Howard.	
31 July „	Kingsland-road, N.	G. M. Cunningham.	
7 August „	Oakley-street, Lambeth	A. E. Carter.	
14 August „	William-street, St. Clement's-road, Notting Hill.	T. Sawyer.	
4 September „	Mare-street, Hackney	Walton, Hassell and Port.	
8 September „	East India Dock-road	A. Burrill.	
14 September „	Wandsworth-road, S.W.	H. Stallion.	
29 September „	Lombard-street, Battersea	R. Field & Co.	
29 September „	Sheed-street, Lambeth	Glanville & Co.	
20 October „	St. Peter's-road, Mile End	H. W. Brooks.	
28 November „	Marsham-street, Westminster	F. C. Ludeman.	
2 December „	St. Ann's-road, Notting Hill	A. J. Mileson.	
10 December „	Wyndham-road, Camberwell	Fowler and Keeble.	
14 December „	Palmerston-terrace, Dulwich	H. Sheen.	
27 December „	Cannon-street-road, E.	M. Lee.	
31 December „	Newington Butts, S.E.	J. Stokes	1884 - - - 35
29 January 1885	Uxbridge-road, Shepherd's Bush	J. R. Allman.	
31 January „	Crofton-terrace, Blyth-road, Hammersmith	W. Hammond.	
21 February „	Old Kent-road, S.E.	F. Brazil.	
23 February „	Rivington-street, Shoreditch	H. L. Babb.	
7 March „	Winsley-street, Oxford-street	Barnard and Sons.	
8 March „	North-street, Wandsworth	J. Guppy.	
12 March „	Bolton Mews, Portobello-road, Notting Hill	J. Ayres.	
20 March „	Fulham-road, S.W.	J. Roberts.	
23 March „	Garden Wharf, Church-street, Battersea	May and Baker.	
28 March „	Galley Wall-road, Bermondsey	Rolls and Son.	
5 April „	King's-road, Chelsea	J. Lester.	
20 April „	Brandon-street, Walworth	J. J. Collins.	
24 April „	Union-street, Borough	H. Chandler.	
5 June „	Mare-street, Hackney	A .Rawlings.	
26 June „	Black Horse-road, Deptford	Warringham & Co.	
28 June „	King Henry's-walk, Stoke Newington	E. J. Saville.	
3 July „	Suffolk-grove, Borough	Leete & Co.	
5 July „	Hill-street, Walworth	S. R. Rutherford.	
10 July „	Rotherhithe New-road, S.E.	W. Baker.	
12 July „	Galley Wall-road, Bermondsey	Rolls and Sons.	
14 July „	Marlborough-road, Old Kent-road	- - ditto.	
30 July „	Mare-street, Hackney	A Rawlings.	
15 August „	Grange-road, Bermondsey	C. Sampson.	
28 August „	Great Titchfield-street, Oxford-street	W Dennis.	
13 September „	Bridge-street, Greenwich	W. Banfield.	
16 September „	Charles-street, Blackfriars-road	R. Morgan.	
17 October „	Virginia-road, Bethnal Green	W. J. Keefe.	
16 November „	White Horse-street, Commercial-road, East	J. Abercrombie.	
29 November „	Fulham-road, S.W.	J. J. Morris.	
12 December „	Berwick-street, Soho	W. York.	
26 December „	Tilenham-street, Upper Westbourne Park	M. Evans.	
27 December „	Upper Kennington-lane, S.E.	H. C. Sherwin	1885 - - - 32
7 January 1886	Fleming's Wharf, Millwall	A. F. Fleming & Co.	
13 January „	St. Mary-at-Hill, City	J. O. Wilson & Co.	
14 February „	Cambridge-road, Mile End-road	E. Morgan.	
24 February „	Queen's-road, Peckham	T. Germain.	
26 February „	East-street, Walworth	J. B. Fendrick.	
12 April „	Morning-lane, Mare-street, Hackney	M. Machin.	
23 April „	Shoreditch, High-street	Collett, Dodds & Co.	

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
2 May 1886	Clarence-road, Mare-street, Hackney	R. Read.	
11 May „	Princes-road, Notting Hill	J. Corkhill.	
18 May „	Ruby-street, Old Kent-road	J. Whitehead.	
30 June „	Leete-street, King's-road, Chelsea	G. Grant.	
6 July „	Marlborough-road, Old Kent-road	Rolls and Sons.	
24 July „	Rivington-street, Shoreditch	T. Brown	
9 August „	Coborn-road, Bow	A. Haydon.	
15 August „	Moreton-street, Vauxhall Bridge-road	A. Williams.	
20 August „	Brushfield-street, Bishopsgate	R. Brushfield.	
25 August „	Tooley street, S.E.	J. Tolhurst and Son.	
30 August „	Campbell-street, Hall Park, Paddington	H. Inwood.	
9 September „	Southampton-street, Camberwell	R. Giles.	
17 October „	Greyhound-road, Fulham	W. Tyler.	
19 November „	Kender-street, New Cross	E. White.	
21 November „	Osnaburgh-street, Regent's Park	F. Watkins & Co.	
4 December „	Phœnix Wharf, Millwall	S. Landshoff.	
10 December „	Regency-street, Westminster	J. G. Hughes.	
12 December „	- - - ditto	- - ditto.	
21 December „	Commercial-road, East	Derby Brothers.	
23 December „	Old Kent-road, S.E.	C. Wayte	1886 - - - 27
3 January 1887	Keeton's-road, Bermondsey	R. France.	
19 January „	Rolt-street, Deptford	H S. Harry & Co.	
23 January „	Vicarage road, Plumstead	C. Collins.	
31 January „	Marlborough-road, Old Kent road	J. Rolls and Son.	
5 February „	Broadway, London Fields, Hackney	H. B. Stroad.	
11 February „	Regency street, Westminster	J. G. Hughes.	
19 February „	Manor place, Walworth	J. Hammond.	
27 February „	Sunny Hill-road, Streatham	J. C. Moslin.	
15 March „	Well-street, Hackney	J. Symons.	
12 April „	Upper Bland-street, Great Dover-street	Glanville & Co.	
21 April „	Mare-street, Hackney	J. Dodge.	
19 May „	Queen's-road, Peckham	W. J. Chapman.	
3 June „	Black Horse-road, Deptford	Warringham & Co.	
6 June „	Wandsworth-road	J. Nugent.	
11 June „	Heath-street, Hampstead	J. Foster.	
19 June „	Columbia-road, Hackney-road	J. Bolshow.	
20 June „	Black Horse-road, Deptford	Hayward and Sons.	
7 July „	Lower Kennington-lane	Dowling and Newcombe.	
14 July „	Felix-street, Hackney-road	E. Walker.	
29 July „	Black Horse-road, Deptford	Hayward and Sons.	
29 July „	St. Paul's-road, Bow Common	J. A. Gray.	
6 August „	Bankside, Southwark	Sir W. A. Rose.	
11 August „	Osnaburgh-street, Regent's Park	F. Watkins.	
15 August „	New Church-road, Camberwell	F. Munro.	
28 August „	Paradise street, Clapham	D. Parker.	
31 August „	Borough-road, S.E.	E. Grant.	
14 September „	Harrow-road, Paddington	E. Burton.	
21 September „	Great Prescot-street, Goodman's-fields, E.	H. Gadson and Son.	
26 September „	Black Horse-road, Deptford	Hayward and Sons.	
3 October „	- - - ditto	Warringham & Co.	
28 November „	Old Kent-road, S.E.	J. Alexander.	
6 December „	Page's-walk, Bermondsey	Kinden & Co.	1887 - - 32
1 January 1888	Wickersley-road, Battersea	S. C. Jones.	
4 January „	East-street, Walworth	A Fendrick.	
4 January „	High-street, Sydenham	C. H. Boyles.	
16 January „	Monier-road, Bow	J. J. Coleman.	
6 February „	Wells-street, Camberwell	J. J. Sturges	
16 February „	Rodney-road, Walworth	Dowling and Newcomb.	
24 February „	Jamaica-road, Bermondsey	W. Hart.	
5 March „	Wandsworth-road	J. Bacon.	
19 March „	Black Horse-road, Deptford	The Mitcham Floorcloth Company.	
29 March „	Martha-street, Cable-street, E.	J. G. Thompson.	
9 April „	Deacon-street, Walworth	F. Duplock.	
13 April „	St. James-road, S.E.	N. C. Sigerlenny & Co.	
29 April „	Dalston-lane, Dalston	M. Preedy.	
7 May „	Phœnix Wharf, Millwall	S. Landshoff & Co.	
13 May „	Yabsley-street, Blackwall	E. G. Joseph.	
14 June „	Fulham-road, S. W.	F. Baker.	
24 June „	Holly-street, Dalston	R. W. Mathews.	
12 July „	St. Helen's Gardens, North Kensington	H. Read.	
24 July „	Deacon street, Walworth	W. A. Redmond.	
26 July „	Pitfield street, Hoxton	W. V. Aldridge.	
9 September „	Old Kent-road, S.E.	J. F. Garlick.	
19 September „	Oakley-street, Lambeth	W. Andrews.	
27 September „	London-road, S.E.	A. Leete & Co.	
29 September „	Downham-road, Kingsland-road	W. Newman.	
30 September „	Fulham-road, S.W.	F. Baker.	
11 November „	Cross-street, Clapham	J. R. Saunders.	
29 November „	Pomeroy-street, S.E.	Perry and Norwood.	
12 October „	Upper Bland-street, Great Dover-street	Glanville & Co.	
31 October „	Mile End-road	W. G. Cobb	1888 - - - 29

APPENDIX, No. 5.—Return of Oil Fires, and of Fires in which the Damage was aggravated, &c.—*continued.*

DATE.	PLACE.	NAME.	REMARKS.
2 February 1889	Camberwell-road, S.E.	G. L. Whitehead.	
23 February „	Ellis-street, Sloane-street, S.W.	E. J. Baker & Co.	
24 February „	Whitechapel-road, E.	W. Brandman.	
4 April „	Uxbridge-road, Shepherd's Bush	Cooper Bros.	
26 April „	Fulham-road, S.W.	Willis and Green.	
19 June „	St. John's road, Hoxton	W. H. Ward.	
23 June „	Tanner's Hill, Deptford	M. J. Hazelwood.	
27 June „	Abbots-road, Bromley, E.	J. H. Minter.	
4 July „	Ordnance Wharf, Blackwall-lane, East Greenwich.	Forbes, Abbot and Lennard.	
9 July „	Anchor and Hope Alley, Wapping	J. H. Nugent.	
6 August „	St. George's-street, E.	Middleton Bros.	
18 August „	York-road, Wandsworth	W. Freeman.	
20 August „	Sumner-terrace, Sumner-road, Peckham	J. Austin.	
12 September „	Dormay's Wharf, Bell-lane, Wandsworth	Burroughes and Welcome.	
23 September „	St. Ann's street, Westminster	G. C. Pulford.	
25 September „	Commercial-road, E.	H. Felgate.	
29 September „	Vassal-road, Brixton	J. Pursey.	
1 October „	Radnor-street, Chelsea	A. R. Gruse.	
5 October „	High-street, Bromley, E.	J. H. French.	
9 October „	Swan-street, Minories, E.	E. M. Titterton.	
13 October „	New Cross-road, S.E.	E. Parkhurst.	
14 October „	Rye-lane, Peckham	H. L. Downton.	
15 October „	Salmon's-lane, Limehouse	G. J. Manning.	
31 October „	Harleyford-road, Upper Kennington-lane	E. & H. Measures.	
11 November „	Black Horse-road, Deptford	T. H. Warringham.	
28 November „	Blackwall-lane, East Greenwich	Greig & Co.	
24 December „	King-street, Tower Hill	R. W. Medhurst.	
24 December „	Bow-road, E.	C. Mann.	
29 December „	Roman-road, Old Ford	C. Devitt.	1889 - - - 29
17 January 1890	Galley Wall-road, Bermondsey	J. Rolls & Sons.	
31 January „	Southwark Park-road, S.E.	T. E. Sparshott.	
1 February „	Sandy Hill-road, Plumstead	W. J. Ruffell.	
5 February „	Malpas-road, Brockley	W. Newport.	
9 February „	Sussex Wharf, Blackwall-lane, East Greenwich.	Forbes, Abbot and Lennard.	
23 February „	Ordnance Wharf, Blackwall-lane, East Greenwich.	- - ditto - - ditto.	
25 February „	Thomas street, Limehouse	J. Gibb & Co.	
5 March „	Mortimer-road, Notting Hill	T. Sawyer.	
22 March „	Vassal-road, Brixton	H. Higgins.	
3 April „	Southwark Bridge-road	F. Lowe.	
24 April „	Bankside, Southwark	Sir W. A. Rose.	
27 April „	Little Lant-street, Southwark	Gross, Sherwood and Heald.	
27 April „	Mill-lane, West Hampstead	A. Rathbone.	
24 May „	Tilson-road, North Peckham	J. N. Arnold.	
30 May „	Church-street, Chelsea	G. Mason.	
29 June „	Silwood-street, Rotherhithe New-road	P. Smith.	
25 August „	London-road, S.E.	J. Davies & Son.	
27 August „	Hoxton-street, N.	F. Beavis.	
15 September „	Farringdon-street	Metropolitan Railway Company.	
6 October „	Rochester-row, Westminster	G. Broom.	
13 October „	Middle-street, Cloth Fair, City	Rowley and Brock.	
6 November „	York-road, Battersea	Sedgwick and Donnell.	
7 November „	Radnor-street, Chelsea	A. H. Gruse.	
6 December „	West Ferry-road, Millwall	D. Woollen.	1890 - - - 24

11 May 1891.

Eyre M. Shaw, Chief Officer,
Metropolitan Fire Brigade.

SUMMARY.

1871	25	1882	24
1872	26	1883	38
1873	18	1884	35
1874	17	1885	32
1875	23	1886	27
1876	18	1887	32
1877	18	1888	29
1878	23	1889	29
1879	20	1890	24
1880	24		
1881	21	TOTAL	503

11 May 1891.

Eyre M. Shaw, Chief Officer,
Metropolitan Fire Brigade.

APPENDIX, No. 6.

PAPER handed in by Colonel *Majendie*, C.B., 27 July 1894.

PETROLEUM ACCIDENTS (ON BOARD SHIPS).

Year.	Name of Vessel.
1870	H.M.S. "Hercules."
1871	"Rhoda."
„	"Cairo." - - }
„	"Ella Moore" - } Simultaneously.
„	"Ruth" - - }
1873	"Maria Lee."
1874	"Madge Wildfire."
1876	"Ella Dyer."
„	"Joseph Fish."
„	Vessel's name not mentioned.
1877	"Thomas."
1881	H.M.S. "Doterel.
„	"Beatrice."
„	"Solway."
„	H.M.S. "Triumph."
1882	"Hannah Morris."
1883	"Oxford."
„	"Clan Stuart."
„	"Margarita."
1884	"George Peabody."
„	"Aurora."
„	"Huntcliffe."
„	"A. Goudey."
„	"Hawarden Castle."
„	Ship at Fiume.
„	"Alert."
„	"Minna."
„	"Camelia."
1885	"Tangil."
1885	"Bedford."
„	"Jane Owens."
1886	"Thiorva."
„	"Bergliot."
„	"Patriana."
1887	"Vendome."
„	"Benhope."
„	"Wah Yeung.'
„	"Bakuin."
„	"Providence."
1888	"Astriano."
„	"Ville de Calais."
„	"United."
1889	"Sumatra."
„	"St. Cloud."
„	"Catherina."
„	"Charles Little."
„	"Thordisa."
„	"Kohinoor."
„	"Ferguson."
1890	"Wild Flower."
„	"Yioga or Tioga."
„	Ship at Batoum.
1891	"Tancarville.
„	"Resolution."
„	"Lux."
1892	"Petrolea."
„	"Bayonne."
„	"Norcross."
1893	"Bothnia."

APPENDIX, No. 6.—Petroleum Accidents (Generally).

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
9 May 1866	Bow Common -	Oil - - -	About 1,600 barrels of petroleum destroyed by fire. Burnt without explosion.
10 Aug. 1866	Antwerp - -	Oil and spirit -	A fire broke out in petroleum warehouse of M. Denis Haine, in the Plaine St. Walburge, extended to adjoining linen warehouse, the cellar of which contained petroleum and spirits. Front of warehouse gave way, and extended the disaster to the Hotel de Cologne. Damages estimated about 200,000*l.*
20 Aug. 1868	Abergele, North Wales (London and North-Western Railway).	Oil - - -	Collision between Irish mail train and goods train containing about 50 barrels of petroleum (paraffin oil), which ignited; 33 persons burnt to death. In the incidents, this was the most terrible railway accident that has ever occurred in the United Kingdom. The burning petroleum from the trucks swept along with a swiftness and intensity which made escape or even aid impossible. Death was so sudden that, at the inquiry which took place, few could say they either saw the sufferings of their fellow passengers or heard their cry for help. Of the 33 killed, 10 were thought to be males, 13 females, and of 10 the sex could not be distinguished.
– Oct. 1870	Portsmouth Dockyard, H. M. S. "Hercules."	Spirit (in Hay's "anti-fouling composition").	A party of men were lowering a cask of "Hay's patent anti-fouling composition" down the forehold into the carpenter's store-room, when the cask fell from the slings and burst, the contents running over the deck. Some men were sent into the store-room to clean the deck, and two lamps, with holes in the upper portion, were being used when, it is supposed, the vapour from the naphtha in the composition coming in contact with the lights, exploded, followed just afterwards by a second explosion, a sheet of flame ascending on each occasion up through the hatchway to the upper deck. Six men received severe injuries, and three were slightly injured.
– Jan. 1871	Odam's Wharf, Bugsby's Hole, River Thames.	Spirit - -	The schooner, "Rhoda," laden with petroleum spirit, took fire; burned until she sank. No damage to craft in vicinity.
– Oct. 1871	Off Erith - - -	Spirit - -	Three vessels, the "Cairo," "Ella Moore," and "Ruth," laden with petroleum spirit, were discharging cargoes, when the "Ruth" took fire, and exploded, communicating the fire to the "Cairo." The "Ella Moore" was moved out of the way after sustaining serious damages. The "Ruth" was towed out of the way of the traffic, where she burnt out and sank. Three of the crew were seriously injured.
23 Oct. 1871	Chicago - - -	Oil - - -	Terrible conflagration, said to have been originated by a cow kicking over a mineral oil lamp.
– Oct. 1871	Upper Whitecross-street, London.	Spirit - -	Some children, playing with a recently emptied mineral spirit cask, dropped a piece of lighted paper into the bunghole of the barrel. A loud explosion followed. Several children injured; one seriously frightened and taken to St. Bartholomew's Hospital.
24 July 1872	77, Salmon's-lane, Limehouse.	Oil (?) - -	Explosion of petroleum. Building burnt out and three persons injured.
30 June 1873	Off Purfleet - -	Oil and spirit -	The "Maria Lee," laden with petroleum oil and spirit, exploded, followed by a flame. The mate succeeded in getting the vessel over to the Kentish side, so as to keep clear of the gunpowder magazines. The captain was very much burnt and bruised, and two of the crew escaped in the ship's boat, and one taken off by a waterman's boat.
1873 - -	Mirfield Railway Station, London and North-Western Railway.	Spirit - -	Explosion of benzoline.
2 Oct. 1874	Regent's Park -	Spirit - -	Ignition of vapour from benzoline, and resulting explosion of five tons of gunpowder on barge "Tilbury," on Regent's Canal, causing enormous damage to property and loss of three lives.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
25 Aug. 1874	Glasgow Harbour -	Oil (?) - -	A barrel of mineral oil burst in the hold of the vessel "Madge Wildfire," and the contents ran all over the ship's bottom. On one of the crew going down with a light to examine the pumps, the gas arising from the oil ignited, and exploded, injuring four of the crew, two most seriously. The cargo had all been discharged, except the one barrel, before the explosion occurred.
10 July 1874	Weehawken, New Jersey.	Oil - - -	During a thunderstorm the lightning struck a large tank in the oil-yard of the Erie Railway Company, and the tank immediately burst into flames. The fire spread to other oil tanks, and burnt all night; 70,000 barrels of oil were consumed.
27 Nov. 1874	Greenwich - -	Spirit - -	Explosion in the sewers, caused by refuse petroleum arising from distillation.
– July 1875	Belmullet, Mayo, Ireland.	Oil (?) - -	Explosion of a barrel of paraffin. A house blown up; a widow and three children killed; and a number of cattle destroyed.
– Sept. 1875	Killarney Railway Station, Ireland.	Oil - - -	A railway van containing 75 barrels of petroleum oil took fire. The whole burnt out.
– Sept. 1875	Milnebridge, near Huddersfield.	Spirit - -	Explosion of nitro benzine at the works of Messrs. D. Dawson Brothers.
– Nov. 1875	Castletown, Ireland	Oil - - -	Disastrous accident, due to petroleum, whereby a number of persons were burned to death, and several others injured.
– Dec. 1875	"Goliath" training ship, off Grays, Essex.	Oil (very high test oil, with flashing point of 144°.)	A fire which caused the distruction of the ship, and the loss of several lives. Caused by upsetting some oil cans and lamps in the lamp room.
– Jan. 1876	Sheffield - -	Spirit - -	Explosion of an empty barrel which had contained benzoline. A light was introduçed by some boys, two of whom were injured.
10 Jan. 1876	Hereford - -	Spirit - -	A can of benzoline exploded on being opened in a shop. The windows blown out, and rooms damaged. Shopman severely burnt.
– Aug. 1876	Barque "Ella Dyer," near the Danish coast.	Oil - - -	The barque "Ella Dyer," laden with petroleum, caught fire near the Danish coast, and was totally destroyed. The crew escaped with difficulty, without saving anything.
13 Sept. 1876	On board the "Joseph Fish," on voyage from New York to London.	Oil and spirit	The ship "Joseph Fish," laden with refined petroleum, spirits of turpentine, lubricating oil, and wax, caught fire, which was put out, and cargo brought to London.
– Nov. 1876	River Exe - -	Oil (?) - -	Three hundred casks of petroleum oil had been transferred from a Norwegian brig to a smaller vessel; when the men were at dinner an explosion occurred, and subsequent conflagration. The captain was blown through the hatchway and severely burnt, and another man jumped overboard.
– Mar. 1877	Exeter - - -	Spirit - -	Some empty barrels which had contained benzoline were being loaded on a waggon, when a boy put a lighted match in the hole of one of them, and a terrible explosion ensued. Two boys seriously injured.
17 Sept. 1877	Liverpool - -	Spirit - -	A vessel, the "Thomas," was lying in the Herculaneum Docks laden with petroleum spirit; at 8 o'clock p.m. an explosion took place, inflicting fatal injuries on the master, and injuring two other men.
– Dec. 1877	City of Paterson, New Jersey.	Oil (? crude oil)	Terrible conflagration caused by two coal oil trains, each carrying 100 gallons of oil, coming into collision; the tanks burst and the oil took fire, and ran down the banks among the houses, a stream of liquid fire; great damage to property, and many people seriously injured.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
2 Jan. 1878	Gainsboro' - -	Spirit - - -	Tremendous explosion, arising from the vapour of benzoline coming in contact with a lighted candle in an ironmonger's shop. Stock and premises almost destroyed, and shop on fire. Damage done to extent of several hundred pounds. A girl, aged 12, seriously injured.
5 July 1878	Messrs. Smith & Co., Railway Gear Works, Compton-street, Clerkenwell.	Oil (of sorts) -	A quantity of oil and grease of various sorts (but none of it, it is stated, mineral spirit), estimated at about 95 tons 3 cwt., was consumed; the burning oil escaping from the premises and running down the streets, setting fire to the fronts, and, in some instances, to the interiors, of no less than 25 shops and private houses, and creating very great alarm. The occupier of the premises admitted that the results would have been far less disastrous had not the surface level of the premises been so much higher than that of the adjoining road as to cause the liquid to run from the former to the latter, and thus into the adjoining street. (H.O. 75,388.)
3 Sept. 1878	Castle Baynard Wharf, Blackfriars.	Oil and turpentine.	Destructive fire in Messrs. Price's turpentine and oil stores. Great damage to property; and the "burning oil floated alight on to the Thames, and the moorings of many craft had to be shifted."
– Oct. 1878	Cumberland - -	Oil - - -	Explosion of paraffin oil, causing the death of William Macdonald.
– July 1879	Vine-street, Minories.	Spirit, &c. -	A fire at J. B. Wheelers & Co., destroying large quantities of inflammable liquids, &c.
– July 1879	Ashton-under-Lyme	Spirit - -	Two men died from the effects of burns received through explosion of benzoline at a cleaning and dyeing establishment.
– Aug. 1879	Spaxton, near Bridgewater.	Spirit - -	Some young men found a benzoline cask, nearly empty, which had been left on the road. They applied a light to the plug hole, and ran away. An explosion followed, and seriously injured three of them, one of whom died. The man who applied the light was charged with manslaughter.
6 Jan. 1880	Goldsmith's - row, Hackney (Dove-row).	Spirit - -	A van loaded with naphtha and benzoline took fire in the street. The burning liquid ran down in streams, to the great danger of the houses. Six houses were scorched, and the windows of one house were burned out, and rest of rooms and contents damaged by fire and water. The Metropolitan Board of Works officially directed attention to this fire, as an example of the necessity for fresh legislation in regard to conveyance of petroleum.
26 Feb. 1880	Plymouth - -	Spirit - -	A barrel of benzoline exploded at the shop of an ironmonger in Old Town-street. The shop was completely gutted, and many articles were blown across the street. The house took fire.
12 May 1880	Bordeaux - -	Spirit - -	A store room in the Chamber of Commerce, filled with all kinds of spirits, took fire, and assumed formidable proportions.
– May 1880	51, Boundary-street, Shoreditch.	Spirit (bisulphide of carbon).	A Mr. Hughes, assisted by another man, were testing an engine intended to be worked by bisulphide of carbon, when an escape of inflammable vapour became ignited, which seriously burnt the workman, and slightly injured Mr. Hughes. Very little damage was done to the building.
21 July 1880	Crewe - - -	Spirit - -	Some petroleum stores caught fire. A loud explosion took place about an hour after the flames were discovered, but did no further damage beyond shaking the buildings. The fire was subdued. The damages were estimated at about 800*l.*
11 June 1880	Titusville, America	Oil - - -	A great petroleum fire, caused by lightning striking a tank holding 35,000 barrels, which set fire to a number of others, the oil boiling over the tanks and setting fire to and destroying everything that came in the way of the escaping liquid. It is said that 47 tanks in all (many of enormous capacity) were destroyed.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
6 Aug. 1880	Oldham, Yorkshire	Spirits - -	An explosion occurred in the shop of Mr. Bradford, whose brother went into the cellar with a lighted candle to draw some spirits of varnish from a cask; the candle was placed too near the liquid; an explosion occurred, severely burning the man.
24 Aug. 1880	Shepherds' Bush, London.	Spirit - -	A girl was cleaning a mantel-piece, when she knocked off a bottle containing some benzoline; it burst, and her clothes caught fire. She died from the injuries. It was stated that the benzoline was kept to make the fire burn.
21 Oct. 1880	Bridgefoot - street, Dublin.	Oil - - -	A great fire broke out at the oil and chandlery stores of Mr. Hampton Leedum. A large quantity of barrels of paraffin and other oils consumed. The barrels, on becoming ignited, burst.
7 Dec. 1880	Derby - - -	Spirit - -	A large quantity of benzoline or paraffin were stored in the cellar of a shop belonging to Mr. Thompson, ironmonger, Osmaston-street. An explosion took place whilst a barrel was being tapped, or its contents transferred to another vessel. A man who assisted was seriously injured. Great damage done to property.
8 March 1881	Rowatt's Wharf, Stratford.	Oil - - -	A building containing empty barrels, barrels of rosin, and lubricating oil, and 800 cases of refined petroleum was maliciously set on fire, causing damage to the amount of 2,000*l.* A charge of arson was preferred.
26 April 1881	Sandy Point, Straits of Magellan. H.M.S. "Doterel."	Spirit (in form of patent drier "xerotine siccative") in a paint.	H.M.S. "Doterel" was destroyed while at anchor at Sandy Point in the Straits of Magellan—caused by two distinct explosions. The accident was at first attributed to gas evolved from coal stowed in the bunkers, causing an explosion of the gunpowder in the forward magazine. But certain facts having come to light in connection with the accident on board H.M.S. "Triumph," threw doubts on the correctness of the foregoing conclusion, and a further inquiry led to the accident being referred to what was undoubtedly its proper cause, viz.: the explosion of the mixture of air with the vapour given off by the "xerotine siccative," a (petroleum spirit) drier used in the paint, and this explosion extended to the powder magazine. Eight officers and 143 men lost their lives by the double explosion.
13 May 1881	Creswells-buildings, Mexboro'.	Oil (?) - -	A man stored petroleum in a yard at the back of the buildings close to dwelling-houses. The oil had leaked into the walls and cellars, and a quantity of gas accumulated in one of them; a girl took a lighted candle into the cellar, when a violent explosion took place, seriously injuring the girl, who died the next day.
– Aug. 1881	Leicester - -	Oil - - -	A young woman was holding a half-a-gallon of petroleum in her hand while lighting the fire. The liquid exploded, and the woman was enveloped in flames, which her father and mother were powerless to extinguish, and she dropped dead, having been literally roasted alive. She was 19 years of age.
– Aug. 1881	Aubervilliers, near Paris.	Spirit - -	Explosion in a shed where 350,000 quarts of essence of petroleum were stored. The damages were estimated at 20,000*l.*
– Sept. 1881	At sea, on voyage from America.	Spirit - -	The barque "Beatrice" was going from Philadelphia with a cargo of naphtha. She was struck by lightning, and blew up. The crew were thrown into the water, most of them seriously injured, but it is believed no lives were lost.
16 Nov. 1881	At sea, on voyage from Belfast.	Spirit - -	The steamship "Solway," laden with naphtha, petroleum, and paraffin, and cargo of about 200 tons of general goods. At sea there was a slight explosion, and the vessel was in flames immediately; 19 persons lost their lives.
22 Nov. 1881	Coquimbo, Coast of Chili, H.M.S. "Triumph."	Spirit (in form of patent drier "xerotine siccative" in paint).	A remarkable and fatal explosion occurred on board H.M.S. "Triumph," due to the ignition of a mixture of air with the vapour from a highly volatile patent "drier" known as "xerotine siccative" under the paint room. The introduction of a light into an imperfectly ventilated space containing such a substance necessarily resulted in an explosion, which proved fatal to three seamen, and injured seven others.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
– Dec. 1881	Bristol - - -	Oil - - -	A fire broke out in the oil storing warehouse of Mr. B. Perry, and reached during the night 3,000 barrels of petroleum, which were all consumed ; 845 barrels were saved from an adjoining warehouse. The ignited oil got into the drains and sewers, causing great damage. The damages estimated at many thousands of pounds. It appears that on exploring the cellars after the fire, 150 barrels were got out unburnt.
1881 - -	York - street, Plymouth.	Oil - - -	A girl was serving oil to a boy in a shop ; the boy argued with her that she was giving him the wrong oil, and it got upset on to the gas stove, when it caught fire ; she was so seriously burned that she died in the hospital.
10 Jan. 1882	Nottingham - -	? Spirit varnish	An explosion, which was attributed to gunpowder and paraffin, took place on the premises of Mr. Green, causing the collapse of the building but no loss of life. It subsequently appeared that the explosion was due to some bottles of varnish.
26 Mar. 1882	On voyage from New York to London.	Oil - - -	The "Hannah Morris," laden with 6,575 barrels of petroleum, went ashore off Margate in a gale, and was found to be on fire, and afterwards burnt out, except about a dozen barrels which had been held under water by the ironwork.
22 Aug. 1882	Swinton, near Manchester.	Oil - - -	A fire broke out on the premises of the Lighting Company's mills. About 1,000 barrels of oil took fire, and flowed blazing through the windows of the mill and ran down a brook, which was on fire for about 150 yards. Damages estimated at 10,000*l.* By the prompt action of some workmen in draining or damming the brook, the destruction of Wersley Railway Station, under which the brook flows, was averted.
17 Aug. 1882	Bolton, Lincolnshire	Spirit - -	Serious explosion took place at the shop of Mr. Wilson, chemist. An assistant, named Frank Alltoft, was proceeding with a lighted lamp into a cellar in which paraffin and benzoline were stored, when an explosion occurred, blowing out the windows and burning Alltoft in a dreadful manner.
22 Dec. 1882	Exeter - - -	Spirit and oil -	An alarming explosion of petroleum in stores belonging to Messrs. J. L. Thomas & Co., excavated in the rock on the bank of the river, and containing about 60,000 gallons. A man in opening one of the stores placed a lantern in line with the door, and the explosion resulted. The flames were carried across the quay to the "Jane," and the captain and crew, with difficulty, escaped. Burning oil ran out in torrents, converting the Exe into a stream of fire. No lives lost.
1 Mar. 1883	32 and 34, Commercial-street, Whitechapel.	Oil and spirit -	Fire at Messrs. A. Taylor & Co., wholesale oil merchants. Total quantity of oil on the premises 10,000 gallons, of which 2,000 were saved.
– May 1883	Wellington - road, Battersea.	Oil (? any spirit present).	Fire at works of Messrs. S. Bowley and Son, oil refiners. The fire broke out in the distillery. The burning oil ran out of the buildings towards the river and caught two barges which contained paraffin ; these were burnt. The works adjoining were destroyed. The distillery, warehouses, and boiler-houses were destroyed. Damages roughly estimated at 10,000*l.* There was in this case considerable salvage of petroleum oil.
– May 1883	Jersey City, New York.	Spirit and crude oil.	A flash of lightning struck the Standard Oil Company's works, and a huge iron tank exploded with violence. The flames were seen 24 miles off. The blazing stream flowed towards the river, and on its way ignited other tanks ; six workmen were overwhelmed in running away, and it is feared there were other fatalities. Eighteen tanks of crude oil and two of naphtha, each containing 10,000 barrels, destroyed. Loss estimated at about 1,000,000 dollars.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
– Aug. 1883	Cornwall-road, Lambeth.	Oil and spirit -	A fire broke out on the premises of Messrs. Noble and Hoare, oil and varnish manufacturers. The varnish rooms were quite destroyed. As a whole the risk was well localised.
– Aug. 1883	Avon and Kennett Canal.	Spirit - -	A barge was burnt on the canal; it was loaded with benzoline, petroleum oil, vitriol, and a case of matches. It was a very hot day, and as the man in charge had no fire on board, it is supposed the matches caught fire—although, as the man was having his tea, it is a question where he boiled the water.
– Sept. 1883	Havre - - -	Spirit (?) -	An English ship, the "Oxford," of Liverpool, loaded with petroleum, burnt.
12 Sept. 1883	Hooghly River, Port of Calcutta.	Oil - - -	The British screw steamer "Clan Stuart" caught fire, owing to the accidental upsetting of a light, which set fire to some kerosene oil. The fire was put out by floating engines and the assistance rendered by officers and men of steamers near.
– Oct. 1883	Filloughley, near Coventry.	Spirit - -	Explosion of a well, the water of which had become impregnated with benzoline. A man, after pumping out the water for three hours, let down a lighted candle, and while looking into the well he saw a blue flame shoot up off the water, and before he could get away he was thrown down, with his face and hair badly burnt.
8 Nov. 1883	New Jersey, U.S.A.	Spirit - -	British barque "Margarita" was lying at her dock loading with naphtha; a fire broke out in the hold, which speedily consumed the whole vessel and cargo. No lights or fires had been burning for some hours. It is supposed a spark from a passing tug must have ignited the naphtha.
- Nov. 1883	Shrewsbury - -	Oil - -	An alarming fire broke out at a candle and paraffin manufactory. The machinery and buildings were destroyed, and the River Severn for 200 yards was for some time ablaze with ignited fat and paraffin, which floated on the top of the water.
– Nov. 1883	19, Brunswick-street, Commercial-road.	Spirit - -	A fire broke out upon the premises of Mr. S. Frankel, waterproofer. A spark from the fire set light to some waterproofing materials. Three young women were seriously injured.
– Nov. 1883	Roubaix - - -	Spirit - -	Terrible catastrophe, caused by fire by benzine, 26 victims. (No details.)
25 Jan. 1884	Millwall - -	Oil - - -	An extensive fire occurred in the oil manufacturing premises of Messrs. A. B. Fleming & Co. There were six barrels of lubricating mineral oil and a quantity of resin burnt. Besides the destruction of the premises, the piles on the river front were much burnt by the burning resin getting down the steps to the shore, and the drains were stopped up by the resin coming in contact with the water.
– Feb. 1884	Alliance, Ohio -	Spirit - -	An explosion of gasoline occurred in a shop, by which six persons were killed and several injured.
23 Feb. 1884	North Atlantic Ocean.	Oil - - -	The British barque "George Peabody," laden with 700 tons petroleum, wrecked on an ice field, and after crew was taken off by another vessel, she was discovered to be on fire, supposed to have been caused by a live coal falling from either the cabin or galley fires, the floors of which were covered with oil.
– Feb. 1884	Bradford, Bordell, and Kinzue Railway, near Tarport, Pennsylvania.	Oil (? crude oil)	Oil leaked from an oil tank and flowed on to the railway, and ignited on an engine coming into contact with it. When the engineer discovered the lake of oil before him, he reversed the engine and whistled, "Down breaks." He was too late to stop the train, which was running down a steep grade. As soon as he reached it the fluid burst into flame. The passenger coach and baggage car were a mass of smoking ruins; the engine lay on its back, and on every side were sufferers moaning with pain.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
20 Feb. 1884	On the Hooghly, Bengal.	Oil - - -	The "Aurora" arrived in the port of Calcutta on 7th February 1884, with a cargo of 59,332 cases of kerosene; up to the 19th, 27,022 cases were discharged; at 6 a.m. that day it was found that the vessel was on fire. The officers and crew were got off in safety, and the vessel burnt to the water's edge and broke her back, and afterwards sank, when several thousand cases of oil, with large portions of wreckage, came to the surface, and the river was one sheet of flame, which was finally put out. A great deal of damage was done to boats and buildings on the banks of the river. The official report states that if the wind and tide had been different, all the shipping in the port would have been destroyed.
– Mar. 1884	Rotterdam Channel	Spirit - -	The English steamer "Huntcliffe," with a mixed cargo from Middlesbrough to Rotterdam, was totally burned. The fire was caused by the explosion of a barrel of benzoline. The crew were saved, but of the cargo only the iron is recoverable.
30 Mar. 1884	North Wall, Dublin	Oil - - -	Fire at the oil stores of Mr. Isaac Beckett. The flames spread with great rapidity, and set fire to adjoining establishments. The stores contained between 3,000 and 4,000 barrels of oil. Nothing could be done to prevent the fire burning itself out. A considerable quantity of the burning liquid escaped through the sewer, and was seen blazing through an opening 300 yards away. Several explosions occurred in the sewer, and one of them caused a large rent in the carriageway.
5 May 1884	Newport, Monmouth	Spirit - -	An alarming explosion. The roadway above the sewer in the district burst. A quantity of benzoline had run into the sewers from a barrel in a shop on licensed premises leading into a drain, and this became ignited accidentally and caused the explosion.
– May 1884	Manor Way, West Ham.	Oil - - -	Eight barrels of petroleum in a van caught fire and destroyed van. Four barrels saved.
17 May 1884	North Atlantic Ocean	Oil - - -	The British barque "A. Goudey," laden with refined petroleum oil; explosion took place on board; endeavours made to extinguish the resulting fire without success. Crew went on board the "Amphitrite," and when last seen the "A. Goudey" was entirely in flames fore and aft.
21 May 1884	General Railway Station, Chester.	Spirit - -	A railway truck loaded with 20 casks of deodorised spirits of petroleum (benzoline) completely consumed; ignited by a spark from the engine.
30 June 1884	Bridge-street, Ballymena, co. Antrim.	Spirit - -	An explosion on the premises of Mr. Graham. Many windows in the vicinity were blown to pieces. Two men injured. The explosion was caused by naphtha or patent driers.
3 July 1884	Ship "Hawarden Castle," at sea.	Spirit (in anti-corrosive paint supplied by McInnes & Co., of Liverpool).	The vessel had been repainted while at Limerick, and one barrel of the paint used on that occasion which remained over was stowed away in the lower part of the fore peak. Three of the crew were sent for some gear; two of them stayed at the hatchway to receive it, and one of the men went into the fore peak and struck a match. This was immediately succeeded by a violent explosion, which killed the man in the fore peak and severely injured four other men. The Wreck Commissioners' Court found that the paint contained 40 per cent. of coal naphtha, and evidence was given that one fluid ounce of the paint rendered two cubic feet of air explosive, and one gallon would render 320 cubic feet explosive. The Court stated that the casualty was caused by the explosion of vapour given off from this paint, which had been stowed in the fore peak without any knowledge of its dangerous character; and they considered that it was most desirable that manufacturers of this paint should issue a printed notice drawing attention to the danger arising therefrom. (*N.B.*—This is strictly an *obligation* arising under Section 6 of the Petroleum Act, 1871).

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
14 July 1884	Fiume - - -	Spirit - -	A German steamer. While receiving a cargo of benzine in the petroleum dock a fire broke out. The vessel was towed out to sea, where she burned out.
26 Sept. 1884	Leith - - -	? Spirit (varnish)	A fire occurred at the oil works of Messrs. Craig and Rose The flames seized upon some hundreds of tanks of varnish. The damage was reckoned at some thousands of pounds.
– Oct. 1884	246, Seven Sisters-road.	Spirit - -	Lucifer match lighted close to a can of benzoline. Premises burnt out.
18 Oct. 1884	Anchor, Wharf, Upper Thames Street.	Spirit, oil and turpentine.	A fire broke out on the premises of Messrs. Blundell, Spence & Co.; the stores contained turpentine, varnish, and oils, which rapidly caught fire. The varnish and oils broke from the tanks in streams; the varnish did not ignite, only three barrels of turpentine. Considerable damage done to buildings.
3 Nov. 1884	Battersea - -	Melted paraffin	Fire at Price's Candle Works, caused by the boiling over of some paraffin in the refinery, and with great rapidity the fire at once ran all over the place. About eight tons of paraffin were consumed. Although the fire seemed to be great, the damage was trifling.
10 Nov. 1884	Strood - - -	Oil (seed oil) -	An extensive fire in the large oil mills of Messrs. Stewart Bros. and Spencer. The oil mills and contents were nearly destroyed. The damages will exceed 100,000*l.*, the buildings of Messrs. Stewart and Spencer's works alone being 78,000*l.*
13 Nov. 1884	High-street, City, Aldgate.	Spirit and oil -	Large fire near Aldgate Railway Station. A workman let a lamp fall and struck a match to look for it; a fire ensued. Contents burnt out, and roof off buildings.
14 Nov. 1884	At sea, on voyage from New York to Shanghai.	Oil - - -	The ship "Alert," with 40,000 cases of oil on board was burned. During a squall the vessel was struck by lightning; half-an-hour afterwards she was discovered to be on fire; the hatches were battened down, but were blown out by a terrible explosion. Ship abandoned. Crew rescued by a steamship attracted 50 miles off by the light of the burning vessel.
14 Nov. 1884	Bremerhaven Harbour.	Oil - - - -	The schooner "Minna" took fire with a cargo of 600 barrels of petroleum on board. The crew were saved.
– Nov. 1884	On voyage across the Atlantic.	Oil - - -	The ship "Camelia" was struck by lightning, having a cargo of petroleum on board; she took fire, and the crew took to the boats; but after drifting about for a few hours expecting she would blow up, they returned to the ship and brought her to Hamburgh. Many of the barrels were burned or charred so that a stick could be poked into them, and yet were tight and full of oil.
– Nov. 1884	Hurley-lane, Lower Kennington Road.	Oil - - -	A woman hawking paraffin which is carried in a zinc tank on a donkey barrow, was serving a customer by the light of a lamp, when the oil running from the tap became ignited. The donkey was freed without being injured. The tank then burst with a loud report, and the burning liquid ran into the roadway. The fire brigade arrived and put out the fire, and there was no loss of property.
31 Jan. 1885	Barnsdale, Gipps Land.	Oil - - -	The vessel "Tanjil" caught fire while lying alongside the Barnsdale Wharf, and was totally destroyed with all her cargo. She had kerosine on board, but the origin of the fire is not explained.
10 April 1885	Atlantic, on voyage from New York.	Oil - - -	The vessel "Bedford," with cargo of oil from New York, was struck by lightning, and cargo caught fire. Only partial loss of cargo.
23 April 1885	194, Union-street, Borough.	Oil, of sorts -	Fire on the premises of Henry Chandler, petroleum oil store. Five lives lost. Only three barrels of oil on the premises, and two of them were nearly full after the fire, one only two-thirds empty.
– May 1885	Rochester-row, Westminster.	Spirit and oil -	Fire on the premises occupied by Messrs. Farmiloe. Large quantities of varnish, turpentine, and linseed oil were kept.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of the Accident.
– May 1885	Cincinnati, America	Spirit - -	A fire in a printing establishment, which, in a quarter-of-an-hour, caused 15 deaths, without doing much damage to the building. A boy carrying a two gallon jar of benzine stumbled as he passed a jet of burning gas; the spirit flashed into flame and caught the sheets of paper on the drying rack, and by them reached the elevator and adjoining staircase.
28 June 1885	Off Lamlash, Arran	Spirit - -	The schooner "Jane Owens," bound to London with a cargo of naphtha spirit, when near Lamlash an explosion took place, blowing up decks, &c., of vessel. She was towed back to Greenock for repairs. Casualty due to combustible nature of the spirit. There was no fire or light on board at the time.
– July 1885	Arles, Puy de Dôme	Oil and gunpowder.	Ignition of several chests of gunpowder and a barrel of petroleum. A large number of persons killed, their bodies being blown to a considerable distance.
11 Aug. 1885	Crown Dye Works, Lower Kennington-lane.	Spirit - -	The premises of I. W. Chisholm took fire, owing to a man carrying a pail of benzoline and spilling some on the floor of a stone passage, and another man walking by with nailed and steel-tipped boots evolved a spark, which instantly ignited the vapour and led to the fire of the premises.
15 Aug. 1885	Grange-road, Bermondsey.	Spirit - -	Fire on the premises of E. Sampson, oil and colourman, caused by the vapour of the spirit coming in contact with a naked light. Mr. Sampson died from the injuries he received, and his wife and child were seriously burned.
5 June 1886	Long Island, New York.	Oil - - -	The ship "Thiorva," laden with oil. Whilst lying at wharf, a fire broke out among the cargo; but the fire department succeeded in extinguishing it before any serious damage had been done.
20 Aug. 1886	Dudgeon's Wharf, Isle of Dogs.	Oil - - -	Fire broke out and completely destroyed wharf, oil, oil tanks, and warehouses. An immense quantity of inflammable materials in every shape and form, in stores, tanks, and barrels, were stored here, including various kinds of lubricating and vegetable oils, Russian petroleum, oil, rape, American petroleum, paraffin, and kerosene. A building was also filled with barrels of tar, and at a little distance were piled thousands of barrels of petroleum. A quantity of oil, representing about 10,000 barrels was destroyed. Some houses outside the premises (distance 58 to 84 feet) had the fronts scorched and some windows broken. Some melted paraffin "scale" from a burning warehouse escaped into the street, but fortunately did not ignite or the damage outside the premises would have been much more extensive.
23 Sept. 1886	S.S. "Thorndike" (at sea).	Spirit (contained in "Sisson's" anti-corrosive paint).	Some paint, known as Sisson's anti-corrosive composition, and which consists essentially of coal-tar naphtha, mixed with oxide of iron and a little resin, and some solid paraffin, was being used to paint the holds. While some men were engaged in pouring some of the paint from a full cask into an empty one, the boatswain, who was in the hold, had a lighted candle in his hand, and when the operation was about three parts completed an explosion occurred, and three men were thrown down and severely injured, one of them dying the next day. The Wreck Commissioners' Court found that the accident was due to the explosion of the vapour given off from a cask of Sisson's anti-corrosive composition, and expressed the opinion that a notice should be issued with every cask, warning all persons against the danger of opening and emptying the cask in a confined space in which there is a lighted lamp or candle. (*N.B.*—This is strictly an *obligation* arising under Section 6 of the Petroleum Act, 1871).
24 Nov. 1886	Holm-street, Glasgow.	Spirit - -	A fire broke out in an oil store. The fire brigade had extinguished the flames, and on the salvage corps entering to examine the premises, an explosion took place from the igniting of a quantity of benzoline. One man of the salvage corps was killed, and two other men injured.

APPENDIX No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
4 Nov. 1886	St. George's Harbour, Bermuda.	Spirit and Oil -	The ship "Bergliot" laden with naphtha and petroleum, put into Bermuda leaky, and was discharging cargo, when an explosion occurred, and the vessel was totally lost. Cause of explosion attributed to gross carelessness.
14 Dec. 1886	West-street, Sutton	Oil - - -	A fire occurred on the premises occupied by Mr. F. W. Gladwell, grocer. There were about 48 gallons of paraffin oil in stock. The house was destroyed and five lives were lost, a mother and her four children. The jury made a strong presentment as to the necessity for amended legislation.
26 Dec. 1886	Birkenhead - -	Oil - - -	An explosion occurred on the "Petriana," a tank ship, carrying petroleum in bulk. Her cargo had been discharged in the Herculaneum Dock. A leakage was found in the tanks when empty, and repairs were being carried out. While men were below with naked lights, an explosion took place, gas having accumulated. Ten men were killed or died from injuries.
24 Jan. 1887	Hawarden - - -	Oil - - -	A fire broke out at the Queen's Ferry Chemical Works, which are for producing coal tar distillates. In the anthracene shed were a dozen tanks of anthracene oil. A man placed a paraffin lamp on the floor of the shed, and it fell over and exploded; the premises were on fire instantly, and the man had a narrow escape. The premises were destroyed, with 10,000 gallons of oil, and 40 barrels of anthracene paste, and 10 gallons of anthracene.
19 Feb. 1887	Manor-road, Newington.	Oil - - -	A fire broke out in the premises of Mr. James Hammond, oilman, which caused the destruction of the premises, as also those adjoining. Mr. Hammond sent down his son to knock out the bung of a barrel of petroleum oil, and insert a rotary pump to pump oil into the tanks in the shop above. The boy took a paraffin lamp with him (instead of lighting the gas) and placed it close to the barrel; in knocking out the bung he also knocked out a stave, and the oil ran over the floor; loose straw and wood were lying about; the lamp got knocked down, and the place was instantly in flames.
27 Mar. 1887	Off Rotterdam -	Oil - - -	The "Vendome" (British ship), laden with 10,500 barrels of refined petroleum, took fire, cause unknown. Crew abandoned her and were taken on board the Nova Scotian vessel "Stillwater."
28 April 1887	Atlantic, on voyage from New York.	Spirit - -	The British steamer "Benhope," laden with crude petroleum oil, caught fire and was abandoned. Crew were picked up by pilot boat off Savannah. The consul says the casualty was purely accidental.
10 June 1887	Manhattan Wharf, Silvertown.	Empty barrels (which had contained oil)	An alarming fire, which consumed about 30,000 empty petroleum barrels, which were lying on the wharf belonging to Messrs. Simpson and Co., awaiting shipment. It is supposed that the fire originated at or near the subway running through the wharf.
17 June 1887	River Don, near Doncaster.	Oil and spirit -	A barge, on its way from Sheffield to Hull, with 68 barrels of paraffin on board, in addition to other goods, suddenly blew up, owing, it is said, to the great heat of the weather. The barge was consumed. The captain and mate severely injured.
4 July 1887	Clarendon, Pennsylvania.	? Oil - -	Some petroleum tanks exploded and several persons burnt to death. The entire valley was filled with the burning oil, and the people fled to the hills. The loss is estimated at 500,000 dollars. The conflagration was caused by fireworks at Clarendon.
5 July 1887	Antwerp -	Spirit -	An explosion of naphtha occurred in a drug store in the Rue Large, completely destroying the building; about 10 persons were buried in the ruins, and three have been recovered suffering from severe injuries.

APPENDIX No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
17 July 1887	Grand Trunk Railway, Canada, St. Thomas, Ontario.	Oil (? crude oil)	Railway accident. An excursion train from Port Stanley dashed into a freight train, and two cars, forming part of the latter, laden with petroleum, became ignited, enveloping the wreckage in flames. Loss of life supposed to be 14, and over 100 received serious injuries. A second tank exploded and injured many who were helping.
29 Sept. 1887	Blackstock - road, Islington.	Spirit and oil -	A van belonging to Mr. Aldridge, was loaded with four or five barrels of petroleum oil, five gallons of benzoline, three gallons methylated spirit, 1 lb. gunpowder, and a quantity of safety matches. A collision occurred; it is supposed the matches caught fire, the jars of spirits broke, and the spirit took fire, and afterwards the benzoline. The gunpowder did not go off. The flames from the burning van continued for about half-an-hour, doing damage to some of the houses. Some of the oil got into the sewers, and there was a slight explosion.
15 Nov. 1887	Near Hong Kong, on passage to Canton.	Spirit - -	The s.s. "Wah Yeung" took fire shortly after leaving Hong Kong with about 500 Chinese passengers on board. The main deck was saturated with kerosine oil. The fire was caused from naked lights or matches. Many of the passengers were saved, but large numbers perished in the after hold and between decks.
11 Dec. 1887	Cardiff - - -	Oil - - -	The "Bakuin," a petroleum tank ship, caught fire, owing to a spark from the engine igniting some empty petroleum casks; the fire raged furiously for a time, but was subdued by the hydrants of the dock.
21 Dec. 1887	Rochester, New York.	Spirit - -	A quantity of naphtha leaked through carelessly-laid piping, reached the sewers, and caused a terrific explosion. Three large flour mills caught fire; four men killed and 20 wounded. Damages estimated to be very large.
23 Dec. 1887	Near Tyne, South Pier end, River Tyne.	Oil - - -	The "Providence," laden with 170 tons of petroleum, foundered after cargo had caught fire and burnt ship.
23 Dec. 1887	Off the mouth of the Tyne.	Oil - -	The lighter "Lively" (in tow of the Tyne tug "Flying Scotchman") with a cargo of petroleum, when just off the pier, flames suddenly burst out on board; the craft was on fire from stem to stern. The crew got away in the boat, and the tug towed the vessel out to sea three miles, where she foundered, having burnt to the water's edge.
1 Mar. 1888	Holland - street, Rochdale.	Spirit - -	A portion of the bedroom wall of the "Bay Horse Inn," occupied by Thos. Bradley, and part of an adjoining cottage, were blown out by an explosion of naphtha, which was being stored in the cottage. One man was seriously injured.
17 May 1888	Blackwall - -	Oil - - -	A fire occurred on ground belonging to the London and North Western Railway Company at Blackwall, through the mischievous action of some boys who set fire to a number of barrels stored on this piece of waste ground. The barrels contained a mixture of petroleum, oil, and water.
19 July 1888	Dieppedalle, France	Oil - - -	The steamer "Asturiano," with a cargo of 8,840 barrels of petroleum, took fire, and terrific explosions followed in rapid succession. Six men killed, two injured; vessel totally destroyed.
16 Oct. 1888	Calais Harbour -	Spirit - -	Burning of the "Ville de Calais," a petroleum tank ship. The cargo had been discharged for some time, and water was being pumped into the tanks, which forced out some gas, which came into contact with a naked light.
21 Nov. 1888	Bristol Docks -	Spirit - -	A petroleum-laden vessel, "United," with a cargo of mineral spirit, blew up, killing three persons, and doing damage to surrounding property. The burning spirit floated about the docks, and was only prevented doing further damage by the use of booms.

APPENDIX No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
4 Mar. 1889	At sea, on voyage from Constantinople to Hong Kong.	Oil - - -	The British s.s. "Sumatra," of Glasgow, laden with a cargo of petroleum oil in cases, besides about 200 tons of ballast and about 200 tons of coals, left Batoum 24th February 1889 for Hong Kong. On 26th February, fire was observed among petroleum cases, but was extinguished, and vessel proceeded to Constantinople, where a survey was made, and vessel reported fit to proceed on her voyage, which she did. On the 4th March, fire again broke out, and efforts to extinguish it proving ineffectual, the vessel was abandoned, and ultimately foundered. Cause of fire not ascertained, but is ascribed to "spontaneous combustion," though it is not stated what was the material in which such combustion probably occurred. The oil is stated to be "petroleum oil," but its exact character and flashing point is not stated.
12 Mar. 1889	At sea, on voyage from New York.	Oil - - -	The British ship "St. Cloud" (of Yarmouth, Nova Scotia) left New York on 31st January 1889, laden with case oil. On 12th March 1889 fire was observed. Captain and crew left vessel, as she was on fire fore and aft, flames running up the mast, and they were afraid she would blow up. They were picked up by a Russian steamer. The prevailing opinion on the part of the captain and others was that the ignition was due to friction ; but it would appear more likely to be due to sparks from the galley fire passing down the ventilator, 6 to 8 feet distant, and reaching cargo. The court of inquiry found that there was no evidence as to cause of fire, and exonerated all on board from blame. The vessel seems to have burnt away without explosion. The oil was refined "standard white," having a test equivalent to about 80° Abel.
14 Mar. 1889	Bancalari, Buenos Ayres.	Oil - - -	Three second-class carriages on the Rosario line, near Bancalari, jumped off the track, and the kerosine lamps set fire to the clothes of the unfortunate travellers. Seven persons were killed, and many others wounded, some of whom were horribly mutilated.
6 June 1889	Seattle, Washington State, U.S.A.	Turpentine -	A conflagration broke out and raged throughout the night. More than 60 acres of houses were burnt down, and the losses estimated at 15,000,000 dollars. Many families rendered homeless, and several deaths reported. The conflagration due to the ignition of a large quantity of turpentine. Burnt itself out.
19 July 1889	Off the Thames Haven Petroleum Wharf.	Spirit - -	The "Catherina," laden with mineral spirit, blew up. One life lost, and two other persons on board sustained injury. Cargo consisted of 367 barrels of petroleum spirit. The vessel had hauled off from the wharf when the explosion occurred. The explosion was due to the galley fire, which was alight at the time.
– Aug. 1889	Buffalo, Canada -	Spirit - -	A Mr. Crocker prepared to take some of his children and a lady friend for a trip in his naphtha launch. While getting the machinery in order, the naphtha exploded and caught fire, and the little vessel immediately became a mass of fierce flames. Frantic and unavailing efforts were made to save the children, and Mr. Crocker barely escaped with his life. Three of the children were burnt to death, almost beyond recognition ; also the engineer. The lady was dreadfully burnt, and will be crippled and disfigured for life.
16 Aug. 1889	Sidings of Great Northern Railway, between Holloway and Finsbury Park.	Spirit - -	A goods train being shunted came into collision with several trucks containing casks of petroleum. Some of the barrels exploded, and the inflammable liquid caught fire from the engine of the goods train. The driver and fireman of the goods train were enveloped in flames and severely burnt. Both men died from exhaustion caused by the very severe burns they had received.

APPENDIX No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
27 Aug. 1889	Faversham Creek -	Spirit - -	The ketch "Charles Little," lying in Faversham Creek, on a voyage from London to Plymouth, with a cargo of 350 barrels of benzoline and 25 barrels of paraffin. The vapour from the spirit caught fire, and an explosion was the result, with severe injury to the master, who was the only man on board.
6 Sept. 1889	Antwerp - -	Oil - - -	A terrific explosion occurred in the works of M. Corvilain, which had been set up behind the docks at Antwerp. A petroleum depôt adjoining caught fire, and probably as much as 50,000 barrels of petroleum were consumed, the burning continuing about 30 hours. The damage to the town by the explosion was considerable. The docks, sheds, and hydraulic engines for working all the cranes in the port were severely injured. But, fortunately, owing to the precautions to prevent outflow, and to the isolation of the stores, and the use of the tanks, the effects of this tremendous petroleum fire were confined to the premises in which it occurred.
29 July 1889	Philadelphia - -	Oil (crude) -	S.S. "Thordisa," laden with 5,846 barrels of crude oil, while at the wharf of the Continental Shipping Company, caught fire. The fire was first observed coming out of the after hatch, at 7 o'clock on the morning of 29th July. A tug towed her half a mile down the river. She swung so as to be partly aground, and as the tide rose the water came up round the after part of the vessel, which helped to extinguish the fire. When the fire was put out, the vessel was taken to Gibson's Point, and the remainder of the cargo was taken out of the hold. It was then found that 528 barrels had been destroyed. The ship was then repaired, returned to Gibson's Point, took in the oil which had been left there, and afterwards took on board 7,062 barrels, making a total of 12,020 barrels. The fire originated owing to the second engineer striking a match to light a safety lamp to look after some tools, when instantly there was a flash from the engine-room into the hold, where the men were at work. The second engineer was slightly burnt about the face and neck.
9 Nov. 1889	Upper Galleons, near Woolwich.	Spirit - -	The barge "Kohinoor" was lying alongside the s.s. "Diana" at the Upper Galleons buoys, and had taken in a cargo of pyrites, when the lighterman in charge went down to the cabin for a handspike. It being dark, he struck a light, when the explosion took place, severely injuring him. It appears that the barge had, a short time previously, carried a cargo of naphtha, and that she had not been sufficiently ventilated afterwards to remove the accumulated vapours.
11 Dec. 1889	Bow-road, London -	Oil and spirit -	A van belonging to Messrs. Bowley and Sons, Battersea, loaded with mineral oil and spirit, with methylated spirit, chloride of lime, syrup, treacle, soda, and other stores, was proceeding eastward on the north side of Bow-road, when it became upset, owing to one of the axles breaking. The mineral oil was at once removed, and shortly after the contents of the van caught fire, and the inflammable liquids burnt fiercely, with a great flame, said to have been 20 feet high, and the fire continued for over half-an-hour. The lighted spirit spread along the gutter for a considerable distance on either side of the van, and some of the lighted spirit passed into the drain. The cause of the accident was attributed to the action of the spirit on the chloride of lime, which, it is supposed, was "slacked" by the spirit. There was no personal injury.
14 Dec. 1889	Leicester - -	Oil - - -	A fire broke out in the premises (a three-storey brick and slated building, 25 feet long and 18 feet wide) owned by Mr. Berridge, and used as a petroleum store, but not licensed as such. One barrel of petroleum (but not petroleum within the meaning of the Act) was burnt, and the ignited liquid was conducted into the gutter and drain by the water which was being thrown on the upper floors to prevent the fire spreading. The fire brigade had the fire well in hand, and no serious damage was done.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
19 Dec. 1889	Rouen - - -	Spirit - -	An explosion occurred in the steamer "Ferguson," with a cargo of 1,600 tons of petroleum, which had arrived from Philadelphia. One man was killed (James Wallace, aged 19 years, of Peterhead) and four others injured. The disaster is attributed to carelessness of one of the crew, who opened one of the holds with a lighted pipe in his mouth. The explosion was terrific, and a large area of the dock was covered with burning petroleum. Loss estimated at 800,000 francs, but is covered by insurance.
8 Jan. 1890	Sunderland - -	Oil (crude) -	A new vessel, "Wild Flower," lying in the Wear, built for the petroleum trade, took fire. She had just arrived from Southwold, where she had been ashore, and the oil was being pumped out of her preparatory to docking her for repairs. Some petroleum was in the tanks, and during the pumping operations it caught fire through some hot cinders falling into the tanks. The flames soon spread. The "Wild Flower" was partially destroyed, and other vessels lying near were badly scorched and had their rigging burnt. The damages will amount to several thousand pounds. The flames were extinguished within two hours of the outbreak. One man, John Thompson, was drowned; he was 20 years of age, and tried to make his escape in a boat, but it caught fire, and the men jumped into the water to swim ashore, but Thompson failed to reach it.
23 Feb. 1890	Ordnance Wharf, Blackwall - lane, East Greenwich.	Oil, and other inflammable, substances, such as creosote, anthracene, &c.	An alarming fire broke out in the premises belonging to Messrs. Forbes, Abbott, & Lennard, manufacturing chemists. One building, 70 yards long and 50 wide, was crammed with thousands of tons of stock of the most inflammable material, principally sulphuric acid and creosote. The origin of the fire is not quite clear, but it is presumed there must have been some accummulation of inflammable vapour in a subway which carried pipes from one building to another and into which hot cinders from the furnace may have fallen. The buildings were completely burnt out. About 6,000 casks of creosote and 300 carboys of sulphuric acid were destroyed, and also 12 barges on the river were nearly so. Although it is stated that no petroleum was involved, yet it is believed that from 70 to 100 barrels of kerosene were consumed. About 6,000 gallons of naphtha and 1,500 gallons of benzole, in sunken tanks, escaped, although the tanks had been subjected to great heat, as their upper parts appeared like iron which had been heated to a red heat.
– Mar. 1890	Belagora, near Batoum.	Oil (? crude) -	A fatal railway accident occurred near the station of Belagora, close to Batoum. A train consisting of 38 vans laden with petroleum caught fire and was totally destroyed, the guard, driver, and stoker losing their lives.
5 Mar. 1890	Nos. 2 and 3, Mortimer-road, Latimer-road, Notting Hill, London, W.	Oil - - -	A fire broke out in a small wood shed (about 7 feet square) in a yard at the back of the premises of Mr. Thomas Sawyer. The shed, it was stated, was only used to keep rabbits in, but petroleum was stored in a metal tank sunk in the ground close beside it, and was covered by a wooden lid. This lid was burnt off, and the water from the fire-engine playing upon the fire entered the tank and caused the oil to overflow, and apparently (although this is denied) became ignited. The fire seems to have been very fierce, and the flames reached a great height. The shed was entirely burnt down, but the habitable part of the house was not damaged, except by water. No one was injured; the cause of the fire is unknown. Had the tank been properly covered with earth or concrete, no petroleum would have been involved.
– Mar. 1890	Walsall Wood Colliery.	Oil - - -	Particulars relating to an accident which occurred at the Walsall Wood Colliery, during the testing of a petroleum engine, given in H.O. papers X $\frac{27,454}{2}$.

APPENDIX No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
24 April 1890	61, Bankside, Southwark, London.	Oil ("mineral colza" and colza).	A fire of formidable proportions broke out on the premises of Sir W. A. Rose & Co., oil refiners, at Bankside, Southwark. The premises consisted of five buildings, of one, two, and five floors, used as refinery, engine and boiler house, cooperage, store, stable, and dwelling, covering an area of about 170 feet by 60 feet, and the stock consisted of a large quantity of colza oil, and a very little of mineral lubricating oil, and some Stockholm tar. The whole were nearly burnt out and damaged by fire and water. The heat was intense, and the flames reached over 200 feet in height. The tide being high and flowing enabled all the powerful river engines to be brought into play. A considerable quantity of oil percolated into the adjoining alleys to about two feet in depth through a thin 9-inch wall, but the oil which so escaped was not on fire. Some houses in the vicinity received damage by the scorching of wood-work and breaking of windows. The origin of the fire was not ascertained.
27 April 1890	No. 2, Little Lant-street, Borough.	Oil (? and spirit).	A disastrous fire broke out at one o'clock p.m., 27th April 1890, in the upper floors of the oil refinery of Messrs. Gross, Sherwood, & Heald, a building of three floors about 60 feet by 45 feet. The burning oil was pouring out of the warehouse; tons upon tons of sperm oil, paraffin, Russian tallow, and margarine, were fiercely burning with enormous strength, and adjacent buildings were becoming involved. Cause of fire not known; contents nearly burnt out, and roof off; rest of building severely damaged by fire, heat and water. The fire brigade were quickly on the spot and rendered all necessary assistance.
12 May 1890	Rouen - - -	Oil (? crude) -	An immense reservoir, which measured 2,000 cubic metres and contained 1,200,000 litres of petroleum, burst. The oil rushed out in enormous quantities and spread itself over three large fields. A number of men were engaged in drawing off the oil by means of pumps and buckets, 100 soldiers keeping back the crowd.
11 July 1890	Chicago - - -	Spirit - -	The steel steamer "Yioga" or "Tioga," lying in dock at Randolph and Market-streets, was blown up by the explosion of an oil tank between decks. Fifteen or 20 dock labourers who were unloading the cargo are believed to have been killed. All the upper decks were destroyed, and the oil deluged the front of the steamer. Nearly all the windows of the houses in the neighbourhood were smashed, and the report was heard miles away. The engineer was unable to explain the cause, but it is probable some of the oil escaping from the tank was ignited by the lamps which had just been lighted.
28 Aug. 1890	Batoum - - -	Spirit - -	A ship laden with naphtha was lying off the wharf, at Batoum, set apart for the naphtha trade; a fire suddenly broke out, and, in a few moments, the vessel and quay were enveloped in flames. Three men were on board the ship at the time—the captain and two sailors—and all lost their lives. The captain struggled through the fire on to the shore, but had terrible burns, to which he soon after succumbed. In the mass of flame and smoke the two sailors became hidden from view, and there is no doubt but that they were burned to death. The loss of property was very considerable.
23 July 1890	Consolidated Gas Works, New York.	Spirit - -	About 4 o'clock a.m. a fire broke out in the pumping-house, caused by the bursting of a naphtha tank. Several workmen were touched by the burning fluid but were not much hurt. James Devol, the pump tender, was, however, covered with the blazing fluid, which flew in every direction; it is not expected he can live. The cause of the tank taking fire is unknown. A large number of tanks containing gas and naphtha which were in the neighbourhood — two containing a thousand gallons—escaped.
10 Sept. 1890	Minden - - -	Spirit - -	A barrel containing benzine exploded in the cellar of a chemist's shop, totally wrecking the building and killing two clerks working in the shop above. The proprietor himself was taken out of the ruins fatally injured.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
15 Sept. 1890	Beneath Railway bridge crossing between Clerkenwell Green and Farringdon-road, London.	Spirit - -	A large quantity of naphtha was stored in the shed beneath the bridge, and a railway employé incautiously entered it with a light. The vapour from the naphtha immediately exploded, and set fire to the place, causing much damage. The iron girders of the bridge bent by the fierce heat, and a 36-inch gas main, crossing over the railway, caught fire, which almost caused the complete collapse of the bridge.
10 Oct. 1890	Soignolles, Seine-et-Marne.	Spirit - -	A terrible explosion of petroleum occurred in a skittle-alley. The place was crowded at the time, and so great was the force of the explosion that 27 persons were thrown down and severely burned. Four persons received such serious injuries that their recovery seemed hopeless.
14 Oct. 1890	Corners of Middle-street and Newbury-street, Cloth Fair, City of London.	Spirit - -	A most disastrous fire occurred in broad daylight in a building used as workshops by Messrs. Rowley & Brock, hat and helmet makers. About 40 persons were at work just before the dinner hour when the fire broke out. A considerable quantity of naphtha was used in the business, and some of the workmen were using it on the second floor when there was a sudden burst of flame, apparently the result of the vapour of the spirit coming in contact with the adjacent gaslight. The upper floors were burnt out. Several persons were seriously injured, and five women were suffocated. It is supposed that more will die from the injuries received. No licence to keep the naphtha had been taken out by Messrs. Rowley & Brock.
16 Oct. 1890	Bradford, Yorkshire	Oil - - - -	An explosion occurred on the afternoon of the 16th October at the works of Messrs. Jarrett Bros., soap manufacturers. A large boiler was full of boiling liquid, and, on a quantity of paraffin being poured into it, a violent explosion took place. Mr. Thos. Jarrett, one of the partners, and three workmen, were badly burned about the face and head. Cause of explosion not known.
20 Dec. 1890	Trent Bridge Leather Works, Messrs. Turney Bros., Nottingham.	? Oil - -	An explosion took place in one of three tanks of a grease extractor in the leather works of Messrs. Turney Bros. just after the petroleum had been let in; it was not sufficiently violent to break the tank, which is of wrought iron, but made a great noise, and, on the man in charge opening a large valve to let out the pressure, a quantity of blue smoke rushed out. The skins were not damaged, but a few bits were scorched. After a consultation with Dr. Dupré and Mr. Boverton Redwood, by the owners, the conclusion was arrived at that the explosion was caused by an electric spark generated by the running of the petroleum over the dry wooden frames within the apparatus.
30 Dec. 1890	Hackney Wick -	Spirit - -	A large fire occurred on the premises of Messrs. Carless, Capel, & Leonard, supposed to have been caused by the vapour from the petroleum spirit coming into contact with the flame of a gas lamp when the spirit was being pumped from an underground tank to the still-house. Premises and stock of over 3,000 gallons consumed. An 18-inch brick wall, 12 feet high, between the premises and some dwelling-houses in White Post Lane, saved them from destruction, but they were much damaged by the water from the fire-engines. The underground tanks and contents escaped.
– Jan. 1891	East Greenwich -	Spirit - -	A naphtha explosion occurred at Messrs. Wilkie & Soame's candle works, East Greenwich. The accident happened in the open yard at a large still for obtaining naphtha spirit from paraffin shale. In this yard was a cock leading to a tank below which received the refined spirit. Two workmen carrying an ordinary lamp removed the man hole, and the vapour escaping and coming in contact with the light the explosion followed. The two workmen were seriously injured.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
6 Feb. 1891	Sketchley Dye Works, Hinckley.	Spirit - -	The deceased (Chas. Payne, 17) was engaged with another man in cleaning out a tank (which had contained benzine) and had descended through the man-hole by means of a ladder, but before he had been inside many minutes his comrade heard a noise, and on looking inside saw the deceased fall. Attempts were made to get him out, but the rescuers were overcome by the fumes. Nearly an hour elapsed before Payne was got out, and life was then extinct. The coroner's jury found a verdict of death from suffocation, and exonerated all persons from blame.
21 Mar. 1891	Williamsburgh, U.S.A.	Spirit - -	Some workmen were repairing a naphtha still at the Pratt Oil Works, Williamsburgh. A light was passed near the man-hole by which they had entered, and an explosion resulted, and four of the men were dangerously injured.
21 Mar. 1891	Pratt Oil Works, Williamsburgh.	Spirit - -	While some men were repairing a naphtha still a light was passed near the man-hole by which they had entered, the resulting explosion dangerously injuring four of the men.
23 Mar. 1891	Bayonne, New Jersey, U.S.A.	Crude oil (spirit)	A fatal explosion of a crude oil still occurred at 1.16 p.m. in one of the Tidewater Oil Company's yards. Two men were killed and three dangerously burned. The explosion was caused by the bursting of a feed pipe running overhead into a still. The still contained 500 barrels of crude oil. All the men were firing the still, and when the feed pipe burst just over the still the oil ran down into the fire and caused the explosion. The Tidewater Fire Department extinguished the fire with the loss of only a few thousand dollars.
28 Mar. 1891	Lima, Ohio, U.S.A.	Crude Petroleum (spirit).	An oil still at the Standards Solar Refinery exploded about 1 o'clock p.m. with terrific force. One man was badly burned and will probably die, and two others were rather seriously injured. No very great damage was done to the building.
20 April 1891	Minneapolis, U.S.A.	Oil - - -	Two fuel tanks connected with the City railways, containing 30,000 gallons of oil, exploded, causing a column of flame 150 feet high. The explosion was caused by a repairer who was seeking a leak in one of the tanks with a lighted candle. One man was burned to death, and several persons were slightly injured. The entire street railway system was stopped for half the day in consequence of the disaster.
21 April 1891	363, Southwark-park-road, S. E. (Messrs. Daintree's premises).	Spirit - -	A fire occurred upon the premises of Messrs. J. T. Daintree & Co., dry cleaners, due to an explosion in an open iron trough, used in completing the washing of garments (part wool and silk) in petroleum, which had previously passed through rotary covered receptacles. The explosion communicated with a sunken tank in the same building, used for the dirty spirit. The cover of the tank was blown off, and the fire soon gutted the workshop. It is supposed that electricity, generated by the friction of the wool and silk garments, was the cause of the explosion.
29 April 1891	86, Tappesfield-road, Peckham.	Oil - - -	Owing to a light being thrown down, the stores of Mr. T. Woolcot, oilman, at 86, Tappesfield-road, Nunhead-green, Peckham, were set on fire at half-past eight in the morning. The store and stock in the yard were totally destroyed, and the blazing oil invaded the dwelling-house, nearly gutted that, and caused serious damage to two adjoining houses.
29 April 1891	333, Edgware-road -	? Oil - -	The premises of Messrs. Davies & Evans, wholesale oilmen, caught fire from an unknown cause at noon, and were greatly damaged.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
11 May 1891	Steamship "Tancarville" in Dry Docks at Newport (Mon.)	Crude oil - -	The steamer "Tancarville" was constructed to carry crude petroleum in tanks, and her cargo was generally about 3,000 tons. She had been strained during her last voyage from America to Havre, and having discharged her cargo was taken to the Dry Docks of Messrs. Mordey, Carney & Co., Newport, for repairs. No. 1 tank was being finished, the water having been pumped out of it into No. 2. About 10 o'clock on Monday morning a terrible explosion occurred in No. 1 tank, causing great damage to the vessel, the death of five persons, and serious injuries to several others. The after part of the ship and six petroleum tanks escaped wreckage owing to the intervention of No. 2 tank, which was filled with water. Being an iron vessel hot rivets had to be used for re-rivetting the tanks, and precautions were therefore taken by the use of electric lights, and by prohibiting smoking. The verdict of the jury was that the cause of death was by an explosion from an accumulation of gas from leakage of petroleum, but how ignited there was no evidence to show, and there was no evidence of negligence on the part of the owners or dock officials. Extract from the verdict of the coroner's jury :—"We are of opinion that the law imperatively needs amendment, with a view to placing the supervision of cleansing and ventilating petroleum ships on some responsible officials of the Board of Trade or port or harbour authorities, and that the petroleum laws generally are defective in many respects, and need amendment."
25 May 1891	Montreal - -	Turpentine and benzine.	A disastrous fire occurred, and seven buildings and their contents were destroyed or badly burned. The losses aggregate 30,000 dollars. A quantity of turpentine and benzine was stored in the Beuillac building, and when the fire was at its height the benzine exploded, blowing out the windows and endangering the lives of several firemen.
26 May 1891	Dunkirk Clére Refinery Works.	Crude petroleum (spirit).	An immense still, containing some 270,000 kilos. of crude petroleum at the Clére Refinery Works caught fire, and exploded with serious effects, the escaping oil setting fire to other portions of the factory, extending to some houses in the vicinity, and doing damage generally over an area (it is stated) of some 5,000 square yards. Ten persons (workpeople in the refinery) lost their lives, and many were injured. The accident is attributed to a leak (probably of some standing) in the boiler, which caused an over-heating of the petroleum in process of distillation, sufficient to give rise to a turbulent ebullition causing undue pressure in the stills.
– July 1891	On board of a Naphtha Launch, U.S.A.	Spirit - -	Captain James White with three passengers were out in the launch for a trip along the coast, and when well out from the land the naphtha reservoir exploded, sinking the craft and drowning the passengers. Captain White had to swim about four miles before he reached the Bell Buoy in the lower Bay, from which he was rescued by a passing steam launch.
6 July 1891	Lewisham, Ladywell-road.	Oil - - -	The large oil stores of Mr. Andrews, at The Terrace, Ladywell-road, Lewisham, were totally destroyed by fire early on the morning of the 6th July 1891.
27 July 1891	South Docks, Sunderland. Wear Patent Fuel Works.	Spirit - -	A fire broke out at an early hour in the morning owing to the bursting of a naphthaline press in the anthracene house of the chemical department of the Wear Fuel Works. The liquid was ignited by a gas jet, and the fire assumed large proportions. Several tanks of oil were set on fire, the portion of the works where the patent fuel was made was saved, that in which the fire broke out was destroyed. The fire burned till late in the day. The river was occasionally ablaze with burning oil, and a warehouse filled with Esparto grass, a large stack of timber, and a train of coal-laden wagons, were destroyed. The damages to buildings, machinery, &c., is estimated at not less than 20,000*l*. No person injured. The fire cleared an area of 2½ acres. A quantity of dynamite stored in the Wear Commissioners warehouse had only been removed on Saturday, 25th.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
1 Aug. 1891	107, Upper North-street, Poplar.	Oil - - -	A fire resulting in the loss of two lives occurred on Saturday morning, 1st August. At a quarter to three o'clock a passer-by saw smoke issuing from the shop of Mr. B. Bigg, oil and colourman, and soon afterwards it was seen that the premises were thoroughly in flames, and were spreading over the whole house. A fire engine soon arrived, and got to work, and on entering the premises the fireman discovered the charred remains of Mr. Bigg, and in another room the body of his daughter, Miss Bigg, who had evidently been suffocated. Damages: shop and back room on ground floor, and contents burnt out, and the rest of the house severely damaged, and an adjoining tobacconist's shop with contents slightly damaged by smoke.
14 Sept. 1891	Sharpness Old Dock. Barge "Resolution."	Spirit - -	Three men carrying lighted lamps went on board the barge "Resolution," which lay in the dock with a cargo of naphtha. A loud explosion almost immediately followed, and the three men were severely burned and hurled a considerable distance. The vessel caught fire and burned to the water's edge, the lock gates and the masonry being seriously damaged by the fire. It is feared that a watchman who was on board has perished.
4 Sept. 1891	Somerein, Upper Hungary.	Mineral spirit and mineral oil.	About 200 kilos. of gasoline and a large quantity of petroleum, which were stored in the cellars of the Town Hall, exploded with terrific force, wrecking one side of the building from roof to basement. Three persons sustained injuries, which it was feared would prove fatal.
– Sept. 1891	St. Mary's, Ohio, U.S.A.	Oil - - -	Bursting of an oil tank. Oil running through the heart of the City, and the river covered with it. Great excitement, as should the oil catch fire nothing could save the town. Loss of oil enormous.
2 Nov. 1891	Steamship "Lux," in the Doro Channel, Grecian Archipelago.	Oil - - -	The vessel, which was constructed on the tank principle, was schooner-rigged (250 ft. by 35 ft. 1 in. by 44 ft. 1 in.) and contained about 2,092 tons of Russian refined petroleum (flashing point 89° Fahrenheit), a class of oil not subject to the provisions of the English Petroleum Act. She had 22 hands and 4 passengers, 22 of whom lost their lives. The accident was due to the ignition in or about the stoke-hole of mineral oil which had escaped from the cargo tanks, and travelled aft by the port-side bunker through the open door in the bulkhead of the same. The leakage was established by the loosening or failure of the rivets and the opening of one or more of the plates, during extremely heavy weather, and not to any inherent weakness of construction, or to any undue pressure from expansion of the oil. The vessel went ashore on the Island of Negropole, and became a total wreck. This accident strengthens the observations contained in the Report on the s.s. "Tancarville" as to the necessity for the amendment of the law with regard to the making of proper regulations for the conveyance of petroleum.
– Nov. 1891	Russia, Balkhany, near Baku.	Spirit - -	Two hundred thousand poods of naphtha were destroyed by fire, the loss being estimated at 300,000 roubles. There is nothing to show how the accident originated.
29 Dec. 1891	Messrs. Cooper Bros., oil stores, Broadway, Ealing.	Oil - - -	A fireman named Cope, while working in the burning building, had his clothing saturated with oil, and his coat caught fire from a spark. His comrades with some difficulty removed him into the streets and stifled the flames. He was, however, somewhat badly burned. The stores were destroyed.
7 Jan. 1892	The Corporation Gas Works, Windsor-street, Birmingham.	Spirit - -	One of the workmen (James Merrill) poured some naphtha down the kitchen flue to clear it; an explosion followed, which burnt Merrill badly; he succumbed to his injuries the next day. Another man who was in the kitchen at the time also sustained injuries.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
13 Jan. 1892	Railway Arches at Leeds.	Oil of various sorts.	A fire of a most formidable character, whereby a fireman lost his life and enormous destruction of property ensued, occurred in the railway arches, in which oil of various sorts, tallow, resin, whiskey, pitch, &c., were stored. One of the largest of the arches contained about 1,700 tons of resin, 70 tons of tallow, and 30 tons of palm oil; by some means this became ignited, and a most furious and destructive fire ensued. The damage to stock was estimated at 20,000*l.*, and total amount to 250,000*l.* It is surmised that the fire originally became established through a fire lighted by some workmen in perilous proximity to one of the arches containing a quantity of resin, &c. An alternative suggestion attributes the fire to a piece of light coal or cinder falling from a passing engine down one of the ventilators into one of the arches.
21 Jan. 1892	Transcaucasian Railway.	Oil - - -	Two goods trains laden with petroleum came into collision, and their inflammable freight at once ignited. In a moment both trains were in flames from end to end, the *employés* in charge not even having time to leave their vans. Six men were burnt to death, and three others received severe injuries.
27 Jan. 1892	Upper North-street, Poplar. Premises of Messrs. Grindlay & Co.	Inflammable liquids of sorts.	A fire broke out on the premises through the ignition of some resin dust, caused by a defective flue of one of a row of stills, and fired a stack of resin which was unprotected. The fire extended to some 2,000 barrels (2 cwt. each) of various kinds of inflammable liquids—resin oil, castor oil, grease, &c.—and created a tremendous conflagration, causing great terror, discomfort, and loss to the occupants of houses in its vicinity. A quantity of the burning fluid poured out into the street, and flowed in several directions, in some instances to the extent of 175 or 200 feet. The houses on the side of the street along which the burning liquid flowed were more or less severely scorched and burnt externally. A dam was hastily and successfully improvised to prevent the extension of the outflow, which would have imperilled a new sewer in course of construction. Eighty gallons of benzoline, which were stored in an underground tank, and around which the fire raged, however escaped, thus affording a prominent instance of the advantages of the tank principle for underground storage.
– Feb. 1892	Trowbridge, Wilts -	Spirit - -	A child, named Eva Knowles (aged five years), died from burns caused by the explosion of a quart bottle containing so-called paraffin oil. Three other persons were injured by the same explosion, which was caused, it was stated, by a lighted candle being held about nine inches from the bottle.
– March 1892	Barcelona Harbour	? - - -	False report appeared in the papers of a terrible petroleum fire, by which it is alleged seven vessels were burnt.
22 March 1892	Keizer's Gracht Canal, Amsterdam.	Spirit - -	A fire, which was at first supposed to have been caused by an explosion of gas, broke out in a druggist's shop, and is stated to have been due to the explosion of a barrel of benzine which was lying in the shop. The fire speedily assumed alarming proportions, and four houses were consumed before the firemen succeeded in mastering the fire. Five persons were killed and 20 injured, seven seriously. The remains of the three persons missing have been found in the ruins, but there is still one unaccounted for.
13 May 1892	Premises of Messrs. Jenks, Bickel & Co., Cardiff.	Oils of various kinds.	A fire of considerable violence occurred on 13th May on the premises of Messrs. Jenks, Bickel & Co., ship chandlers, Cardiff. The premises, of which the structural parts were largely of wood, were stocked with inflammable materials and oils of various sorts. A spacious yard separates the premises of Messrs. Jenks, and Messrs. Blacklock, the Taff Vale Railway end of which became ignited. Here a lean-to, in which were stored oils of various kinds, soon become a great mass of flame, threatening imminent danger to the shipping and contiguous timber yards. Messrs. Jenks & Co.'s premises were completely destroyed, and Messrs. Blacklock's building became a gutted wreck. An adjoining workshop of Mr. Thomas Wills had the roof slightly damaged, and a considerable amount of damage was done to the signal rods and wires of the Taff Vale Railway. A fireman had a narrow escape from serious injury from a barrel of oil bursting and becoming a mass of flame close to the spot on which he was standing.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
14 May 1892	Harris's Oil Wharves, Temple Backs, Bristol.	Mineral Oil chiefly (some Seal Oil also).	The fire originated in a warehouse on the Phœnix Wharf, in which about 5,000 barrels of oil (chiefly mineral oil) were stored, and in a short time a large body of flame burst forth, threatening destruction to the numerous dwellings in the vicinity, the panic-stricken occupants, amidst a scene of wild excitement, fleeing for their lives. Streams of liquid fire ran into the yards, and a burning stream flowed into the harbour to a distance of 200 yards, buildings on both sides being involved, and several barges, a dredger and small craft destroyed, and a steamer seriously damaged. The oil-wharves were destroyed, and damage was done to the extent (estimated) of 50,000*l.* to 60,000*l.* Twenty barrels of benzoline which were on the premises were rescued, and were removed to a place of safety.
5 June 1892	Oil City and Titusville.	? Oil - -	It seems that for nearly a month previous to the accident it had been raining almost incessantly, and during the latter part of the previous week the downpour had been very heavy. A great body of water swept down Oil Creek to Titusville, and the lower portion of the town was soon inundated. The waters leaped onward in all directions in such volume and with such astounding swiftness that the people were unable to reach a place of safety. The torrent quickly swept a number of oil-tanks, the oil ignited,[*] and the blazing petroleum was carried along by the rushing waters, carrying fire and destruction hither and thither. Building after building broke into flames. The *débris* floating on the creek caught fire, and was carried down the stream. By the time the burning wreckage reached Oil City, a distance of 18 miles, all the bridges on the way had been destroyed. A terrific explosion occurred, the whole town was thrown into a state of panic, a number of women and children were trampled under the feet of those who were rushing to get free of the town. The flames spread over the entire upper portion of the city; many persons on leaving their houses were caught by the rushing torrent, and either drowned or burned alive in the foaming oil, which was borne on the surface of the water. It is safe to say that in Oil City 150 persons are missing. The destruction of property is enormous. The loss at Titusville and Oil City is estimated at a million and a-half dollars each, at Corry 60,000 dollars, and at Meadville 150,000 dollars, while the destruction in the surrounding country will probably amount to a million more.
14 June 1892	"Petrolea," Blaye, on the River Gironde.	Spirit (Crude Petroleum).	No formal inquiry was held by the Board of Trade into the loss of the "Petrolea," laden (in bulk) with crude petroleum, which blew up, and afterwards burnt out at Blaye, on the River Gironde, about 28 miles below Bordeaux, on the 14th June. The loss of life was even greater than in the "Norcross," 16 persons having been killed and three injured. The preliminary inquiries made by the Board of Trade led to the belief that a formal inquiry would be unlikely to furnish any definite or useful results, hence the absence of such inquiry. But a number of facts were collected, and from these it appears that the vessel was a tank-ship, built like the "Tancarville," specially for the bulk oil trade. Her length was 292 feet, breadth 37 feet, depth 18·5 feet, and her registered tonnage was 1,515 tons. She contained seven tanks, with coffer-dam bulkheads fore and aft. A number of theories were suggested as to the explosion, more than one of which possessed some degree of probability, but to not one of which could the explosion be at all confidently referred. The ignition of escaping vapour at various points was suggested, *e.g.*, in the forecastle, in the donkey-engine room, at the top of the funnel, at a lamp on the pier. Then the theory of lightning has been suggested; and the theory of sparking of a hand electric light and a leak in the oil discharge tank, which permitted of vapour coming into contact with some fire or naked light. But the cause of this accident must ever remain unknown. With regard to the damage, the Consul at Bordeaux reports that it consisted, besides the destruction of the "Petrolea" herself (the wreck being now of no value), and of the *four* coal barges which lay alongside the vessel (full of coal), and which could not be moved away quickly enough in order to escape ignition from the burning vessel, in the destruction of the landing stage to which the "Petrolea" was moored. The portion of the landing stage nearest the vessel caught fire, and the remainder was destroyed by the firemen from the shore, in order to prevent the flames reaching the buildings of the petroleum refinery. Some further trifling damage was occasioned on shore by the heat and smoke of the flames, which were very high, and would have been much higher, and possibly would have reached the refinery buildings, if the wind had been stronger. The burning petroleum, which issued from the vessel and floated on the River Gironde, set fire to the shrubs and low piles on the river bank, but this fire was soon put out. The burning barges were beached a short time after the explosion, not far from the place where the vessel lay. The distance to which the burning petroleum floated on the river extended on either side of the vessel (according to the tide) about 1,000 yards; but, besides the damage above mentioned to the river bank, no further damage was done by the floating flames in the case of the "Petrolea." It should be observed that there are no buildings or other erections near the river bank at Blaye besides the landing stage referred to, and that (as already mentioned) there were no other vessels lying off Blaye at the time of the disaster.

[*] One account stated that the Acme Refinery was struck by lightning.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
30 June 1892	Australia, Bourke-street, Sydney.	? Spirit - -	A serious fire occurred in a bonded oil store at Sydney in June, of which we have obtained the following particulars. The kerosene "bond" consists of three galvanised iron buildings covering a total area of about 50 feet by 60 feet, and in the buildings were stored about 2,000 cases of lighthouse brand kerosene and some detonators. At the rear of the stores, and separated from them by a space of between 25 feet by 30 feet, was a small galvanised iron structure, enclosed with a substantial kind of fence. This building is about 12 feet long, 8 feet wide, and 15 feet in height, and is called the magazine. The fire broke out in the largest of the three kerosene sheds, and by the time the fire brigade arrived (about 10 minutes after the fire broke out) the place was well alight. Three explosions took place, two of which were slight, but the last one was very severe, so much so that most of the firemen were knocked down, but none of them were very much injured. Many persons who were in the neighbourhood of the fire suffered more or less severely from the explosion. The windows of the houses in the vicinity were shattered. Thirteen cottages were badly injured. Women and children with nothing on but their night dresses were rushing about the street. It was fortunate that the bond was in a comparatively isolated position, otherwise the whole row of cottages would have been destroyed. The building was insured for 200*l.* and the contents for 2,500*l.*; the cottages and a brewery which were injured by the explosion were also insured.
9 Sept. 1892	Le Duc Oil Mills, Brussels.	Oil - - -	A very brief account appeared in the papers to the effect that the mills were completely destroyed by fire, the loss being estimated at 200,000 francs.
— Sept. 1892	S.s. "Bayonne" at sea.	Oil - - -	The "Bayonne" is a large steamship fitted with tanks, and belongs to the Bayonne Steamship Company, London, and engaged by the Anglo-American Oil Company. She arrived in King Road, Bristol, on 30th September, from Philadelphia, having, as reported, had a narrow escape of destruction by fire. The vessel had about 2,000,000 gallons of oil on board, and all went well until she was about 90 miles westward of Lundy Island, when a fire broke out owing, it is supposed, to some waste oil, which leaked under the stokehole, igniting. The crew of 40 hands became greatly alarmed at the rapid spread of the fire, and about 15 took to a boat, which capsized on being lowered into the water. A heavy sea was running at the time, and two men thrown into the water (the steward and cook) were drowned. The other men, who were very much exhausted, were rescued by a second boat which was put off from the Bayonne. Three of the sailors were carried away some distance, but they succeeded in reaching the stern of the steamer and clung to the blade of the propeller until taken off. Meanwhile the captain with the chief engineer and some of the men pluckily dealt with the fire, and succeeded in extinguishing it, but much damage was done.
22 Sept. 1892	45, Glenister-road, Greenwich. Premises of Mr. H. Brown, oilman.	? Oil - -	A serious fire broke out, the flames burst out in the front shop, and when the firemen were called up the flames were bursting forth with startling fierceness amongst the inflammable material at hand. Considerable damage was done to the premises and an adjoining house before the firemen could extinguish the flames.
2 Oct. 1892	Desmaris Works, Havre.	Probably in part spirit (in form of crude petroleum).	A newspaper account contains a report that 1,400 barrels of petroleum exploded. The fire brigade were powerless to cope with the conflagration, and had to content themselves with hemming the burning mass of oil in with sand to prevent a still greater disaster. The loss is estimated at 400,000 francs. Eight men were more or less severely injured, but no lives were lost.
19 Oct. 1892	San Francisco -	Oil - - -	The California Oil Refinery was destroyed by fire; two white men and four Chinamen perished in the flames.

APPENDIX, No. 6.—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
28 Oct. 1892	Milwaukee Union Oil Works, East Water-street.	Oil - - -	The newspapers of 31st October contained some particulars of a most devastating fire which is said to have occurred on the 28th October at the Union Oil Wells in Milwaukee. Carried by a high wind it raged over seven hours, reducing a large part of the commercial quarter to ruins. The air is said to have been filled by the high wind with burning staves and planks which, soaked with oil, started new fires wherever they fell. The origin of the fire is said to have been the "explosion" (? ignition) of a barrel of oil at the Union Oil Company's Store; the flames then attacked another large oil and spirit store, and the conflagration was only stopped when it reached Lake Michigan. The estimated loss is stated at a little under 6,000,000 dollars, while four lives were lost in the course of the fire. The Foreign Office have been good enough to obtain for us from Consul Hayes Sadler, of Chicago, such particulars as are available with regard to this fire, but unfortunately these throw no definite light as to the actual cause of the disaster, beyond the fact that the chief engineer of the fire department is strongly of opinion that the fire "started from some combustible material stored in the basement contrary to the provisions of the Ordinance, and either from vapour arising from the same, or in filling one vessel from another and coming in contact with a lighted lamp." It does not appear that in this case the fire was extended by any outflow of the burning oil, as it originated (beyond reasonable doubt) in a basement considerably below the ground level.
4 Nov. 1892	"Norcross" on the Seine, near Honfleur.	Crude Oil (? Spirit).	Another serious accident to a petroleum-laden British vessel, the "Norcross," occurred in the Seine, near Honfleur, on the 4th November. The vessel was laden with crude oil and mineral naphtha, and on the morning of the 4th November blew up with terrible effect, and continued to burn as she floated up the river until she was completely destroyed. Nine lives were lost, the survivors having been picked up by boats. An inquiry has been held by one of Her Majesty's Inspectors of Explosives (Colonel Majendie), again acting as Inspector for the Board of Trade under the Merchant Shipping Act, and holding the Inquiry (in this case without any colleagues). The immediate cause of the accident was plainly established to be the lighting of a match in the fore peak by one of the seamen; and it transpired, not only that no warning had been issued against the introduction of lights and matches into any of the below-deck spaces, except the cargo space, but that the master, who had little practical acquaintance with the properties of petroleum, whether crude or refined, whether oil or spirit, and had never carried a cargo of crude oil before, had received no warnings or instructions whatever from the shippers, and had accordingly issued no proper orders for the prevention of risks which his inexperience did not enable him to appreciate. The Inspector sums up his report on this accident as follows:—"(1.) That the accident was due to the ignition by a match struck by one of the seamen, in the forepeak, of an explosive or inflammable mixture of petroleum vapour and air, which had accumulated in that part of the vessel. (2.) That the blame for the accident attaches mainly to those who neglected to instruct the master as to the peculiar character of the cargo, and the risks attaching thereto, with the result that no proper regulations were issued to the crew for the prevention of the introduction of lights and matches into unsafe places. (3.) That the construction of the vessel was not, as it should have been, adequate to limit the risk to the cargo spaces. (4.) That the recommendations contained in the reports on the loss of the 'Tancarville' and 'Lux,' for the safe conduct of the petroleum carrying trade, are materially strengthened by the cause and circumstances of the present accident."
19 Nov. 1892	Philadelphia, Wilmington and Baltimore Railway, Pennsylvania.	Oil - - -	An explosion occurred on an oil-tank car at a siding on the railway. A workman named Howard Slut perished in the burning oil. The flames spread to three other cars and to the barn and pump-house, which were destroyed.
16 Dec. 1892	Radcliffe, Lancashire.	Explosion of a nearly empty cask which had formerly contained mineral spirit.	A curious accident occurred at Radcliffe in Lancashire on the 16th December, by which a man named James Hoyle sustained such injury that he died. It appears that Hoyle was employed in the Radcliffe Printing Company, and he placed a light to the bunghole of an ordinary petroleum cask which had been tipped up to drain out some "finisher's softening" which it contained, and which consisted of castor oil, saponified by means of a mixture of caustic soda. Immediately on Hoyle presenting the lamp to the bunghole an explosion took place which threw him against some machinery with such violence that his skull was fractured.

APPENDIX, No. 6—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
? 26 Dec. 1892	Schuylkill River, Philadelphia.	Oil - - -	During the riots at the Carnegie Works, paraffin was poured by the strikers into the river and ignited, with the result that very serious damage was done to shipping set on fire by the burning oil, and three men had a rather novel and painful experience when crossing the river. Waste oil was floating from the refineries situated on the banks of the river, and one of the men after lighting his pipe threw the match into the water. A fierce flame at once spread over the river, and threatened the boat with destruction. The occupants lost their presence of mind and sprang overboard. One of them was drowned, and the other two managed to reach the shore after being dangerously burned. The flames, it is stated, subsequently set fire to a river steamer, and damaged it to the extent of 15,000 dollars.
10 Jan. 1893	188, Cambridge-road, Kilburn.	? Oil or spirit -	At 11.45 p.m. a fire occurred in the second floor front room of the house. Two of the inmates were severely burned (Joseph James Leaper, aged 60, and Mary Ann Leaper, his wife, aged 56), the latter fatally. The fire was caused, it was stated, by the explosion of a spirit lamp, whilst another account stated that the woman let the lamp fall. The coroner's jury returned a verdict of accidental death. The coroner remarked that some of the cheaper and commoner kind of paraffin lamps were very dangerous from the fact that they allowed the oil vapour to escape, and the less expensive qualities of oil were dangerous also.
17 Jan. 1893	S.s. "Bothnia," (Cunard Line).	? Oil - -	The vessel left New York on 7th January with 32 first, 50 second cabin, 91 steerage passengers, and 436 sacks of mails, arriving off Queenstown on 16th January *en route* for Liverpool. About noon on the following day a fire broke out in the grocery store-room adjoining the saloon, caused either by the upsetting or by the exploding of an oil lamp. In a short time smoke and flames were observed issuing through the ventilators, and greatly alarmed the passengers who were on deck at the time. Measures were taken to extinguish the fire. Volumes of water were poured into the store-room, and in about an hour it was completely subdued, not, however, until the greater portion of the stores was destroyed.
21 Jan. 1893	Alton Junction, Illinois, America.	? Oil and spirit	The accident occurred on the Cleveland, Cincinnati, Columbus, and St. Louis Railway. An express, which was behind time, was travelling at the rate of 40 miles an hour, and ran into an open siding at Alton, upon which a goods train, to which two oil tank cars were attached, was standing. The tanks burst with the force of the collision and the oil became ignited. The flames spread rapidly to the freight trucks, the contents of which were destroyed. The driver of the express was burned to death by the boiling oil. Eight persons were killed and 60 injured, 14 of whom were not expected to live. (The number of persons killed eventually reached a total of 21.) The more serious explosion was preceded by a slight one in one of the tanks, the burning *débris* being scattered about in all directions, setting fire to the stockyard enclosure. The crowd, seeing the wreck already caused by the fire, rushed forward with the object of preventing the flames spreading to the other yards, when a second explosion of terrific force followed, fully 35,000 gallons, the contents of four other tanks, being shot up in the air. All those persons who happened to be within 100 yards of the spot found their chance of escape shut off, their clothing took fire, and several were burned or scalded to death. The damage to freight and rolling stock is estimated at 100,000 dollars.
21 Jan. 1893	Birmingham - -	Oil - - -	An accident to a mineral oil tank wagon, belonging to the Anglo-American Oil Company, occurred at Birmingham on the 21st January. It appears that one of the two horses became restive, and the driver was about turning the horses' heads down hill to give them another start, when they bolted, and in the driver's efforts to avoid a collision with other vehicles pulled his horses sharply into a side street, and when turning the corner the weight, which is stated to have been "nearly four tons," being on the off hind wheel, wrenched it and caused the wagon to turn over on its side. Only a small quantity of oil escaped from the tank, but a few cans containing oil carried on the side were damaged, and we understand that several gallons of oil escaped from these, and ran into a sewer near to the scene of the accident. In the course of inquiry into this matter it transpired that a somewhat similar occurrence had taken place on the 28th October, 1892, near Birmingham, when a tank wagon belonging to Messrs. Hill and Son, of Heath Town, Wolverhampton, containing Russian mineral oil, was being driven along the Hagley-road, and the axle broke, resulting in the tank overturning. A considerable quantity of the oil is said to have escaped on this occasion. It is evident from these occurrences that it is of the first importance that tank wagons used for this description of traffic should be, as the Americans claim theirs are, specially constructed as regards strength.

APPENDIX, No. 6—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
26 Jan. 1893	23, Tower-street, Lambeth.	Oil - - -	A fire which resulted in the death of a woman and her two children, broke out on the premises occupied by a man named Cox, who used the front portion on the ground floor as a small "General Shop." He sold petroleum, which he stored in a barrel under the staircase. This barrel, which stood on end, had a defective bung, and the oil leaking out had saturated the floor and the litter thereon. Cox took a lighted candle to discover the source of the leakage, and dropping the candle, a blaze was soon established; attempting to extinguish the flames with a pail of water only made matters worse by spreading the flames further (and he himself was somewhat burned in the attempt). A friend who was assisting him, managed to capsize the barrel (which contained about 20 gallons), the flames cut off the egress of the inmates upstairs, some of whom, however, were rescued by the fire brigade. The coroner's jury returned a verdict of accidental death, and added a rider unanimously agreeing that there ought to be supervision and control over the storage of this petroleum oil, in all of this kind of general shops.
13 Feb. 1893	Deutsch-Pereg in the Comitat of Arad.	? Oil or spirit -	A carnival was being celebrated by a dance in the largest room of the village inn, and almost all the inhabitants were present. While the dancing was at its height, a cask of petroleum in the cellar beneath suddenly exploded with terrible force, partly destroying the flooring of the crowded room. The inflammable gases generated by the explosion ascended, and enveloped the dancers in a mass of fire. All those not injured at once rushed to the door and windows, and many escaped, but 17 persons stunned by the explosion, or overcome by the stifling fumes, were burned to death. Twelve others were greatly injured, and 10 more sustained burns of a less serious nature. The explosion was caused by some children going into the cellar with a candle and placing the light too near the cask of petroleum.
14 Mar. 1893	Nicholas-street, Hoxton.	? Oil - -	A destructive fire broke out between six and seven o'clock in the morning. When the firemen arrived, they found the oilshop a mass of flames from end to end, and although two hydrants were promptly set to work, the premises were gutted. The origin of the outbreak is unknown.
18 Mar. 1893	On board sailing ship "Athen."	Oil and spirit -	A serious fire broke out on board the sailing ship "Athen." The vessel was laden with 34,000 poods of benzine and mineral oils. The captain lost his life, but the crew were saved, though two of them were seriously burned.
30 April 1893	99, North End, Croydon, oil and colour shop in the occupation of Mr. Henry Bennett.	? Oil - -	A fire broke out early on Sunday morning at a large oil and colour shop, which was unoccupied at the time. Mr. Bennett having left Croydon on Saturday night to join his family at Gravesend. The two police officers on the spot promptly succeeded in removing two barrels of paraffin. Soon afterwards, a cask of petroleum which was left in the cellar exploded, and the fumes caused both officers to effect a speedy retreat. A third policeman, however, failed to effect his escape, and was fatally burnt, whilst one of the other constables sustained an injury to his head, and a severe shock to the system. The coroner's jury returned a verdict of accidental death.
24 July 1893	Waterford, Messrs. Bell & Sons.	Oil - - -	The oil stores of Messrs. Bell & Sons caught fire, and had it not been for the exertions of sailors from ships taking part in the Naval Manœuvres, a disastrous conflagration must have resulted. In a short time 200 barrels of oil had been removed. The remaining barrels, some 20 in number, caught fire. The premises destroyed and injured were not insured.
31 May 1893	Florence - -	Oil - - -	A maid servant, in order to light a charcoal fire, poured some petroleum into the stove. On applying a match, the blaze from the petroleum set fire to her clothes. Seized with fright, she rushed into the room of her mistress, who was in bed. The lady tried to render assistance, with the result that both she and the servant were enveloped in flames. In the panic of the moment, they threw themselves out of the window, and both were killed on the spot.

APPENDIX, No. 6—Petroleum Accidents (Generally)—*continued.*

Date of Fire.	Place.	Whether a Mineral Oil or Spirit Accident.	Circumstances of Accident.
4 Sept. 1893	62, Fulham Palace-road, Hammersmith.	Oil - - -	At the oilshop at 62, Fulham Palace-road, Hammersmith, the occupier and four of his children were burnt to death through a fire which occurred on his premises, and which it is believed originated at the foot of the staircase, and was probably due to the ignition of some matches of a character which would ignite on falling to the ground. All the petroleum oil (about 20 gallons) kept on the premises was stored in an iron tank in the kitchen, from which it passed through a leaden pipe to a tap at the foot of the staircase, the floor of which was saturated with grease ; when the fire broke out the leaden pipe was soon melted and caused all the oil to flow out of the tank. An immense body of flame found its way upstairs and destroyed the whole of the upper portion of the building, including the roof. There was no means of escape from the upper portion of the back of the house, as windows overlooking the convent grounds were forbidden. The house consisted of a shop, parlour, and kitchen on the ground floor, with two storeys over each, of one room only; it was made of wood, and lath, and plaster, and was described as a veritable death trap. The coroner's jury returned a verdict that deceased died from suffocation and burns, that there was no evidence to show how the fire occurred, and they added a rider to the effect that oilshops where inflammable materials are kept should be under the control of the London County Council or other authorities.
18 Sept. 1893	Naphtha Stores, Riga.	? Oil - -	A serious explosion occurred in Messrs. Nobel Brothers, Naphtha Stores, Riga, early on the morning of the 18th September 1893. The building and its contents were damaged and all the windows in the vicinity were shattered. When the firemen entered the building, which was in semi-darkness, the carelessness of some of the men, who carried lighted torches, caused a second explosion, by which 15 persons were seriously injured.
22 Sept. 1893	64, Greenwich-road, S.E	Oil - - -	The occupier of the stores, in taking down some goods from a top shelf, knocked over a large oil lamp, which fell on the floor and broke. The oil ignited, and the flames quickly spread to the whole shop. The customers and the occupier rushed out into the road, and an assistant who was in the cellar at the time dashed through the flames to the upper rooms and rescued his wife and two children. He was only just in time, for, a minute later, the flames burst through the first floor windows. The fire was got under in about an hour.
20 Nov. 1893	Tiflis - - -	Oil - - -	A fire broke out in one of the petroleum refineries at Tiflis, which was totally destroyed. The flames spread to three smaller ones, which were also burned to the ground. A fifth and larger refinery was afterwards attacked by the fire, and suffered serious damage. There was no loss of life. The whole town was lighted up by the flames, which were visible from a great distance.
25 Sept. 1893	Irvine-street, Liverpool.	Spirit - -	A London and North Western Railway lorry laden with "empties" was proceeding up Irvine-street, in the direction of Edge Hill Station. The lorry was in charge of a carter, and a youth was seated on one of the empties, which happened to be a barrel that had contained methylated spirits. The lad is said to have been smoking, and was seated on one end of the barrel. Suddenly a loud explosion occurred, which was heard a considerable distance off ; he was hurled into the air, and blown clean over the lorry on to the pavement. When picked up he was found to be bruised about the face and arms, and was more or less in a helpless condition.

K 2 0 MAY 1971